THE ALL ENGLAND LAW REPORTS

Tables and Index 1977

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All England Law Reports

TABLES AND INDEX 1977

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Introduction

The Tables and Index 1977 covers all the cases reported in the three 1977 volumes of the All England Law Reports. It is a continuation of the consolidated Tables and Index 1936–1976. It follows the same pattern as the consolidated index and reference should therefore be made to the Introductions to volumes 1 and 2 of the consolidated index for information concerning the use of the 1977 index.

The 1977 index is the first of a series of annual indexes to the All England series which will be published and distributed to all subscribers. The annual indexes replace the separate indexes which were included in each volume of the reports up to the end of 1976. In order to provide subscribers with a continuing up-to-date index to the reports the annual indexes will be supplemented during the course of the year by separate cumulative tables and indexes (the 'Current Cumulative Tables and Index'). Issues of the current index will be published at regular intervals during the year and distributed to all subscribers. They will be issued on a cumulative basis and will cover all cases reported in the reports from the beginning of the year up to the date of issue. Each new issue will supersede the previous issue which should then be destroyed. A reader searching for a case reported in the All England series will therefore need to refer not only to the annual indexes but also, if the report is very recent, to the current index. Such a search will cover all the reports published since 1976 including those published in the weekly parts of the current year except for a small number, not exceeding eight, of the most recently published parts.

Readers who wish to have a comprehensive index to the whole series, should purchase the Consolidated Tables and Index 1936–1976 and subscribe to the annual cumulative indexes which will be published from 1978 onwards and which, when published, will replace the separate annual indexes for 1977 onwards on a cumulative basis.

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Department of Trade, Laker Airways Ltd v. *See* Laker Airways Ltd v Department of Trade

Derby & Co Ltd v ITC Pension Trust Ltd [1977] **2** 890, ChD

Derrick v Williams [1939] **2** 559, CA
Dictum applied, Lambert v Mainland Market Deliveries Ltd [1977] **2** 826

Despina R, The [1977] **3** 874, CA

Devis (W) & Sons Ltd v Atkins [1976] **2** 822, QBD
Affirmed [1977] **2** 321, CA
Affirmed [1977] **3** 40, HL

Di Ferdinando v Simon, Smits & Co Ltd [1920] 347, CA
Applied, Services Europa Atlantique Sud (SEAS) v Stockholms Rederiaktiebolag SVea [1977] **3** 945

Director General of Fair Trading, Ravenseft Properties Ltd v. *See* Ravenseft Properties Ltd v Director General of Fair Trading

Director of Public Prosecutions v Holly [1976] **2** 96, CA
Affirmed [1977] **1** 316, HL

Director of Public Prosecutions v Manners. *See* Director of Public Prosecutions v Holly

Director of Public Prosecutions v Rogers [1953] **2** 644, QBD
Applied, R v Sutton [1977] **3** 476

Director of Public Prosecutions v Schildkamp [1969] **2** 835, CA
Dicta followed, R v Kelt [1977] **3** 1099

Director of Public Prosecutions v Stonehouse [1977] **2** 909, HL

Director of Public Prosecutions of Jamaica v White [1977] **3** 1003, PC

Discount Records Ltd v Barclays Bank Ltd [1975] **1** 1071, ChD
Applied, R D Harbottle (Mercantile) Ltd v National Westminster Bank Ltd [1977] **2** 862

Distillers Co (Biochemicals) Ltd v Times Newspapers Ltd [1975] **1** 41 QBD
Applied, Riddick v Thames Board Mills Ltd [1977] **3** 677

Distos Compania Naviera SA, Owners of cargo lately laden on board the vessel Siskina v. *See* Siskina, The

Dixon v Harding [1977] **2** 227, QBD

Dobinson, R v. *See* R v Stone

Dodd, Arnold v. *See* Yateley Common, Hampshire, Re

Doe, Pace (formerly Doe) v. *See* Pace (formerly Doe) v Doe

Donnelly v Joyce [1973] **3** 475, CA
Applied, Mehmet v Perry [1977] **2** 529

DPR (an infant), Humberside County Council v. *See* Humberside County Council v DPR (an infant)

Dryden v Dryden [1973] **3** 526, FamD
Applied, Re F (infants) (adoption order : validity) [1977] **2** 777

Dugdale v Kraft Foods Ltd [1977] **1** 454, EAT

Dunne, Kennealy v. *See* Kennealy v Dunne

Durayappah v Fernando [1967] **2** 152, PC
Dictum applied, Stevenson v United Road Transport Union [1977] **2** 941

Dutton v Bognor Regis United Building Co Ltd [1971] **2** 1003, QBD
Explained and applied, Anns v London Borough of Merton [1977] **2** 492

Dutton v Spink and Beeching (Sales) Ltd [1977] **1** 287, CA

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Earl v Slater & Wheeler (Airlyne) Ltd [1973] **1** 145, NIRC
Dictum applied, W Devis & Sons Ltd v Atkins [1977] **2** 321
Dictum applied, W Devis & Sons Ltd v Atkins [1977] **3** 40
Early (Charles) & Marriott (Witney) Ltd v Smith. *See* Snoxell v Vauxhall Motors Ltd
East Suffolk Rivers Catchment Board v Kent [1939] **2** 207, KBD
Distinguished, Anns v London Borough of Merton [1977] **2** 492
East Sussex County Council, Terry v. *See* Terry v East Sussex County Council
Eaton Ltd v Nuttall [1977] **3** 1131, EAT
ECC Quarries Ltd v Watkis (Inspector of Taxes) [1975] **3** 843, ChD
Applied, Tucker (Inspector of Taxes) v Granada Motorway Services Ltd [1977] **3** 865
Edginton v Clark (Macassey (Trustees of Whitley House Trust) third parties) [1963] **3** 468, CA
Distinguished, Johnson v Ribbins [1977] **1** 806
Edmeades v Thames Board Mills Ltd [1969] **2** 127, CA
Dictum applied, Starr v National Coal Board [1977] **1** 243
Elkenford Ltd, Stafford Borough Council v. *See* Stafford Borough Council v Elkenford Ltd
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Disapproved, James Buchanan & Co Ltd v Babco Forwarding and Shipping (UK) Ltd [1977] **3** 1048
Elson (Inspector of Taxes), Makins v. *See* Makins v Elson (Inspector of Taxes)
Elwes v Elwes [1950] **1** 826, Div
Applied, Biggs v Biggs and Wheatley [1977] **1** 20
Emmerson (Inspector of Taxes) v Computer Time International Ltd (in liquidation) [1976] **2** 131, ChD
Affirmed [1977] **2** 545, CA
Empresa Cubana de Fletes v Lagonisi Shipping Co Ltd [1971] **1** 193, CA
Overruled, Mardorf Peach & Co Ltd v Attica Sea Carriers Corpn of Liberia [1977] **1** 545
Ende, Arsenal Football Club Ltd v. *See* Arsenal Football Club Ltd v Ende
Erol, Holiday Credit Ltd v. *See* Holiday Credit Ltd v Erol
Esso Petroleum Co Ltd v Harper's Garage (Stourport) Ltd [1965] **2** 933, QBD
Dictum applied, Ravenseft Properties Ltd v Director General of Fair Trading [1977] **1** 47
Esso Petroleum Co Ltd v Mardon [1975] **1** 203, QBD
Considered, Argy Trading Development Co Ltd v Lapid Developments Ltd [1977] **3** 785
Evans v Bartlam [1937] **2** 646, HL
Dictum applied, R v Hambery [1977] **3** 561

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F (a minor) (publication of information), Re [1976] **3** 274, FamD
Reversed [1977] **1** 114, CA
F (infants) (adoption order : validity), Re [1977] **2** 777, CA
Faulkner v Love (trading as W Love & Son) [1977] **1** 791, CA
Federal Commerce and Navigation Co Ltd v Tradax Export SA [1976] **1** 293, QBD
Reversed [1977] **2** 41, CA
Reversed [1977] **2** 849, HL
Field (Inspector of Taxes), Delbourgo v. *See* Delbourgo v Field (Inspector of Taxes)
Fitzleet Estates Ltd v Cherry (Inspector of Taxes) [1977] **2** 218, ChD
Affirmed [1977] **3** 996, HL
Flynn (decd), Re (No 2) [1969] **2** 557, ChD
Dictum applied, Surrendra Overseas Ltd v Government of Sri Lanka [1977] **2** 481
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Food Controller v Cork [1923] 463, HL
Distinguished, Re Herbert Berry Associates Ltd [1977] **3** 729
Footman Bower & Co Ltd, Re [1961] **2** 161, ChD
Dictum applied, Surrendra Overseas Ltd v Government of Sri Lanka [1977] **2** 481
Foster v Foster [1964] **3** 541, CA
Distinguished, Lewis v Lewis [1977] **3** 992
Applied, Smethurst v Smethurst [1977] **3** 1110
Fothergill v Monarch Airlines Ltd [1977] **3** 616, QBD
Fougère v Phoenix Motor Co Ltd [1977] **1** 237, EAT
Foy v Brooks [1977] **2** 113, FamD
Frangoulis, Ichard v. *See* Ichard v Frangoulis
Fransen Transport NV (third party). *See* Ulster—Swift Ltd v Taunton Meat Haulage Ltd
Fraser v Evans [1969] **1** 8, CA
Applied, Woodward v Hutchins [1977] **2** 751
Fraser v Mudge [1975] **3** 78, CA
Applied, Maynard v Osmond [1977] **1** 64
Freeman & Lockyer (a firm) v Buckhurst Park Properties (Mangal) Ltd [1964] **1** 630, CA
Applied, Inland Revenue Comrs v Ufitec Group Ltd [1977] **3** 924
French Kier Developments Ltd v Secretary of State for the Environment [1977] **1** 296, QBD
French Wools Ltd, Covell Matthews & Partners v. *See* Covell Matthews & Partners v French Wools Ltd
Fullam v Newcastle Chronicle and Journal Ltd [1977] **3** 32, CA
Fyfe v Redpath Dorman Long Ltd. *See* MacShannon v Rockware Glass Ltd

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Gardner, Campden Hill Towers Ltd v. *See* Campden Hill Towers Ltd v Gardner
Gardner, Mountain and D'Ambrumenil Ltd v Inland Revenue Comrs [1947] **1** 650, HL
Distinguished, Willingale (Inspector of Taxes) v International Commercial Bank Ltd [1977] **2** 618

Garmeson, Gonin v. *See* Gonin (deceased), Re
Geismar v Sun Alliance and London Insurance Ltd [1977] **3** 570, QBD
General and Municipal Workers Union v Certification Officer [1977] **1** 771, EAT
Gengler v Gengler [1976] **2** 81, FamD
Dictum disapproved, Rodewald v Rodewald [1977] **2** 609
Distinguished, Cann v Cann [1977] **3** 957
George v Pinnock [1973] **1** 926, CA
Applied, Mehmet v Perry [1977] **2** 529
Ghani v Jones [1969] **3** 720, QBD
Dictum applied, Frank Truman Export Ltd v Metropolitan Police Comr [1977] **3** 431
Gilbert v Goldstone Ltd [1977] **1** 423, EAT
Gillespie Brothers & Co Ltd v Roy Bowles Transport Ltd [1973] **1** 193, CA
Dictum applied, Levison v Patent Steam Carpet Cleaning Co Ltd [1977] **3** 498
Gleeson v J Wippell & Co Ltd [1977] **3** 54, ChD
Goldsmith v Pressdram Ltd [1977] **2** 557, QBD
Goldsmith v Sperrings Ltd [1977] **2** 566, CA
Goldstone Ltd, Gilbert v. *See* Gilbert v Goldstone Ltd
Gonin (deceased), Re [1977] **2** 720, ChD
Good v Parry [1963] **2** 59, CA
Dictum applied, Surrendra Overseas Ltd v Government of Sri Lanka [1977] **2** 481
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Gosschalk v Levy [1977] **1** 33, ChD
Gouriet v Union of Post Office Workers [1977] **1** 696, CA
Reversed [1977] **3** 70, HL
Government of Sri Lanka, Surrendra Overseas Ltd v. *See* Surrendra Overseas Ltd v Government of Sri Lanka
Government of the State of Penang v Beng Hong Oon [1971] **3** 1163, PC
Applied, Tito v Waddell (No 2) [1977] **3** 129
Gowland, Michael v. *See* Michael v Gowland
Graham, Suttill v. *See* Suttill v Graham
Grainger v Liverpool Corpn [1954] **1** 333, QBD
Dictum applied, Arsenal Football Club Ltd v Smith (valuation officer) [1977] **2** 267
Granada Motorway Services Ltd, Tucker (Inspector of Taxes) v. *See* Tucker (Inspector of Taxes) v Granada Motorway Services Ltd
Green v Broxtowe District Council [1977] **1** 694, EAT
Considered, National Vulcan Engineering Insurance Group Ltd v Wade [1977] **3** 634
Green, ex parte, R v Metropolitan Stipendiary Magistrate for South Westminster. *See* R v Metropolitan Stipendiary Magistrate for South Westminster
Greenway-Stanley v Paterson [1977] **2** 663, QBD
Griffiths v Freeman [1970] **1** 1117, QBD
Applied, R v Nicklin [1977] **2** 444
Grubb v Bristol United Press Ltd [1962] **2** 380, CA
Applied, Fullam v Newcastle Chronicle and Journal Ltd [1977] **3** 32
Gullen v Ford [1975] **2** 24, QBD
Dicta applied, Connor v Paterson [1977] **3** 516

H

H (infants) (adoption : parental consent), Re [1977] **2** 339, CA
Halkett v Earl of Dudley [1904—7] 465, ChD
Applied, Price v Strange [1977] **3** 371
Halsall v Brizell [1957] **1** 371, ChD
Dictum applied, Tito v Waddell (No 2) [1977] **3** 129
Hambery, R v. *See* R v Hambery
Hampshire County Council v Shonleigh Nominees Ltd [1970] **2** 144, ChD
Distinguished, Solihull Metropolitan Borough Council v Maxfern Ltd [1977] **2** 177
Hampstead Borough Council v Association Cinema Properties Ltd [1944] **1** 436, KBD
Distinguished, Re Briant Colour Printing Co Ltd (in liquidation) [1977] **3** 968
Hanak v Green [1958] **2** 141, CA
Dictum applied, Aries Tanker Corporation v Total Transport Ltd [1977] **1** 398
Hanson v Church Comrs for England [1976] **1** 245, QBD
Reversed [1977] **3** 404, CA
Hanson v London Rent Assessment Committee. *See* Hanson v Church Comrs for England
Hanson, ex parte, R v London Rent Assessment Committee. *See* Hanson v Church Comrs for England
Hanyet Securities Ltd v Mallett [1968] **2** 960, CA
Dictum applied, Orakpo v Manson Investments Ltd [1977] **3** 1
Haque v Haque [1977] **3** 667, FamD
Harbottle (R D) (Mercantile) Ltd v National Westminster Bank Ltd [1977] **2** 862, QBD
Harbutt's Plasticine Ltd v Wayne Tank and Pump Co Ltd [1970] **1** 225, CA
Distinguished, C R Taylor (Wholesale) Ltd v Hepworths Ltd [1977] **2** 784
Harding, Dixon v. *See* Dixon v Harding
Harrison (Executor of B M Tulk-Hart, decd) v Wells [1966] **2** 171, QBD
Not followed, Industrial Properties (Barton Hill) Ltd v Associated Electrical Industries Ltd [1977] **2** 293
Hartley, Ramsey v. *See* Ramsey v Hartley
Hasslacher, Davenport (Inspector of Taxes) v. *See* Davenport (Inspector of Taxes) v Hasslacher
Hayden, Commercial Union Assurance Co Ltd v. *See* Commercial Union Assurance Co Ltd v Hayden
Hayes, R v. *See* R v Hayes
Hedley Byrne & Co Ltd v Heller & Partners Ltd [1961] **3** 891, CA
Considered, Argy Trading Development Co Ltd v Lapid Developments Ltd [1977] **3** 785

Henriksens Rederi A/S v P H Z Rolimpex [1973] **3** 589, CA
Approved, Aries Tanker Corporation v Total Transport Ltd [1977] **1** 398
Hepworths Ltd, Taylor (C R) (Wholesale) Ltd v. *See* Taylor (C R) (Wholesale) Ltd v Hepworths Ltd
Herbert Berry Associates Ltd, Re [1976] **3** 207, ChD
Affirmed [1977] **3** 729, CA
Higgins v Arfon Borough Council [1975] **2** 589, QBD
Overruled, Anns v London Borough of Merton [1977] **2** 492
HMS Aerosols Ltd, Ponsford v. *See* Ponsford v HMS Aerosols Ltd
Hobbs v Marlowe [1977] **2** 241, CA & HL
Holiday Credit Ltd v Erol [1977] **2** 696, HL
Holt v Markham [1922] 134, CA
Distinguished, United Overseas Bank v Jiwani [1977] **1** 733
Holywell Union and Halkyn Parish v Halkyn Drainage Co [1891-4] 158, HL
Dictum applied, Re Briant Colour Printing Co Ltd (in liquidation) [1977] **1** 849
Dictum applied, Re Briant Colour Printing Co Ltd (in liquidation) [1977] **3** 968
Home Counties Dairies Ltd v Wood [1977] **1** 869, EAT
Home Office v Dorset Yacht Co Ltd (sub nom Dorset Yacht Co Ltd v Home Office) [1969] **2** 564, CA
Applied, Anns v London Borough of Merton [1977] **2** 492
Hoover Ltd, Simmons v. *See* Simmons v Hoover Ltd
Horace Mann Insurance Company, Armadora Occidental SA v. *See* Armadora Occidental SA v Horace Mann Insurance Company
Hosenball, ex parte, R v Secretary of State for the Home Department. *See* R v Secretary of State for the Home Department, ex parte Hosenball
Hough v London Express Newspaper Ltd [1940] **3** 31, CA
Applied, Fullam v Newcastle Chronicle and Journal Ltd [1977] **3** 32
Houghland v Low (R R) (Luxury Coaches) Ltd [1962] **2** 159, CA
Applied, Ulster—Swift Ltd v Taunton Meat Haulage Ltd [1977] **3** 641
Hounslow (London Borough), R v, ex parte Pizzey. *See* R v London Borough of Hounslow, ex parte Pizzey
House v Reynolds [1977] **1** 689, QBD
Howard v Borneman (No 2) [1973] **3** 641, ChD
Applied, Balen v Inland Revenue Comrs [1977] **2** 406
Howitt v Heads [1972] **1** 491, York Assizes
Distinguished, Cookson v Knowles [1977] **2** 820
Humberside County Council v DPR (an infant) [1977] **3** 964, QBD
Hunt & Winterbotham (West of England) Ltd v BRS (Parcels) Ltd [1962] **1** 111, CA
Distinguished, Levison v Patent Steam Carpet Cleaning Co Ltd [1977] **3** 498
Hutchins, Woodward v. *See* Woodward v Hutchins

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Ichard v Frangoulis [1977] **2** 461, QBD
Immigration Appeal Tribunal, R v, ex parte Mehmet. *See* R v Immigration Appeal Tribunal, ex parte Mehmet
Industrial Properties (Barton Hill) Ltd v Associated Electrical Industries Ltd [1977] **2** 293, CA
Initial Services Ltd v Putterill [1967] **3** 145, CA
Applied, Woodward v Hutchins [1977] **2** 751
Inland Revenue Comrs v Cookson [1975] **3** 590, ChD
Affirmed [1977] **2** 331, CA
Inland Revenue Comrs v Frere [1963] **3** 243, ChD
Dictum applied, Chetwode (Lord) v Inland Revenue Comrs [1977] **1** 638
Inland Revenue Comrs v Montgomery [1975] **1** 664, ChD
Followed, O'Brien (Inspector of Taxes) v Benson's Hosiery (Holdings) Ltd [1977] **3** 352
Inland Revenue Comrs v Plummer [1977] **3** 1009, ChD
Inland Revenue Comrs v Ufitec Group Ltd [1977] **3** 924, QBD
Inland Revenue Comrs, Balen v. *See* Balen v Inland Revenue Comrs
Inland Revenue Comrs, Chelsea Land & Investment Co Ltd v. *See* Chelsea Land & Investment Co Ltd v Inland Revenue Comrs
Inland Revenue Comrs, James v. *See* James v Inland Revenue Comrs
Inland Revenue Comrs, Johnson v. *See* Johnson v Inland Revenue Comrs
Inland Waterways Association Ltd, Pedley v. *See* Pedley v Inland Waterways Association Ltd
Inner London Education Authority, Amies v. *See* Amies v Inner London Education Authority
Instrumatic Ltd v Supabrase Ltd [1969] **2** 131, CA
Dictum applied, Dutton v Spink and Beeching (Sales) Ltd [1977] **1** 287
Dictum applied, Birkett v James [1977] **2** 801
Inwards v Baker [1965] **1** 446, CA
Applied, Jones (A E) v Jones (F W) [1977] **2** 231
Ireland v Taylor [1948] **2** 450, CA
Considered, Kennealy v Dunne [1977] **2** 16
ITC Pension Trust Ltd, Derby & Co Ltd v. *See* Derby & Co Ltd v ITC Pension Trust Ltd
Ives (ER) Investments Ltd v High [1967] **1** 504, CA
Dictum applied, Tito v Waddell (No 2) [1977] **3** 129

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J v C [1969] **1** 788, HL
Dictum applied, K (minors) wardship : care and control), Re [1977] **1** 647
Followed, S (B D) v S (D J) (infants : care and consent) [1977] **1** 656
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Applied, Ichard v Frangoulis [1977] **2** 461
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Applied, Williams v Williams [1977] **1** 28
Jackson, Miller v. *See* Miller v Jackson
James v Inland Revenue Comrs [1977] **2** 897, ChD
James, Birkett v. *See* Birkett v James
James (an insolvent) (Attorney-General intervening), Re [1977] **1** 364, CA
Jarvis v Swans Tours Ltd [1973] **1** 71, CA
Applied, Ichard v Frangoulis [1977] **2** 461
Jefford v Gee [1970] **1** 1202, CA
Applied, K v K [1977] **1** 576
Not followed, Cookson v Knowles [1977] **2** 820
Jiwani, United Overseas Bank v. *See* United Overseas Bank v Jiwani
JN2 Ltd, Re [1977] **3** 1104, ChD
Johanna Oldendorff, The [1972] **3** 420, CA
Considered, Federal Commerce and Navigation Co Ltd v Tradax Export SA [1977] **2** 41
Applied, Federal Commerce and Navigation Co Ltd v Tradax Export SA [1977] **2** 849
Johnson v Inland Revenue Comrs [1977] **1** 390, ChD
Johnson v Nottingham Combined Police Authority [1974] **1** 1082, CA
Considered, Dugdale v Kraft Foods Ltd [1977] **1** 454
Johnson v Ribbins [1977] **1** 806, CA
Jones (A E) v Jones (F W) [1977] **2** 231, CA
Jones (F W), Jones (A E) v. *See* Jones (A E) v Jones (F W)
Jowett v Earl of Bradford [1977] **2** 33, EAT
Jugoslarenska Oceanska Plovidba v Castle Investment Co Inc [1973] **3** 498, CA
Applied, Services Europe Atlantique Sud (SEAS) v Stockholms Rederiaktiebolag SVea [1977] **3** 945

K

K v JMP Co Ltd [1975] **1** 1030, CA
Applied, Mehmet v Perry [1977] **2** 529
K v K [1976] **2** 774, FamD
Affirmed [1977] **1** 576, CA
Dictum applied, Parsons v Mather & Platt Ltd [1977] **2** 715
K (a minor) (access order : breach), Re [1977] **2** 737, FamD
K (K J S) (an infant), Re [1966] **3** 154, ChD
Distinguished, Re D (a minor) (justices' decision : review) [1977] **3** 481
K (minors) (wardship : care and control), Re [1977] **1** 647, CA
Kammgarn Spinnerei GmbH, Nova (Jersey) Knit Ltd v. *See* Nova (Jersey) Knit Ltd v Kammgarn Spinnerei GmbH
Kasumu v Baba-Egbe [1956] **3** 266, PC
Dictum applied, Orakpo v Manson Investments Ltd [1977] **3** 1
Kelsen v Imperial Tobacco Co (of Great Britain and Ireland) Ltd [1957] **2** 343, QBD
Dictum explained, Lord Bernstein of Leigh v Skyviews & General Ltd [1977] **2** 902
Kelt, R v. *See* R v Kelt
Kendall v Kendall [1977] **3** 471, FamD
Kenilworth Industrial Sites Ltd v E C Little & Co Ltd [1974] **2** 815, ChD
Dictum explained, United Scientific Holdings v Burnley Borough Council [1977] **2** 62
Kennealy v Dunne [1977] **2** 16, CA
Kennedy v de Trafford [1895-99] 408, HL
Applied, Jones (A E) v Jones (F W) [1977] **2** 231
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Kidson (Inspector of Taxes), Watkins v. *See* Watkins v Kidson (Inspector of Taxes)
Knowles, Cookson v. *See* Cookson v Knowles
Kraft Foods Ltd, Dugdale v. *See* Dugdale v Kraft Foods Ltd
Kraut (Jean) AG v Albany Fabrics Ltd [1977] **2** 116, QBD
Applied, Services Europa Atlantique Sud (SEAS) v Stockholms Rederiaktiebolag SVea [1977] **3** 945

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L (infants), Re [1962] **3** 1, CA
Not followed, Re K (minors)(wardship : care and control) [1977] **1** 647
Not followed, S (B D) v S (D J) (infants : care and consent) [1977] **1** 656
Ladies Hosiery and Underwear Ltd v West Middlesex Assessment Committee [1932] 427, ChD, CA
Applied, Arsenal Football Club Ltd v Smith (valuation officer) [1977] **2** 267
Laker Airways Ltd v Department of Trade [1977] **2** 182, CA
Lambert v Mainland Market Deliveries Ltd [1977] **2** 826, CA
Lanaghan Bros Ltd, Re [1977] **1** 265, ChD
Lane (Inspector of Taxes), Rank Xerox Ltd v. *See* Rank Xerox Ltd v Lane (Inspector of Taxes)
Langen & Wind Ltd v Bell [1972] **1** 296, ChD
Applied, Price v Strange [1977] **3** 371
Lapid Developments Ltd, Argy Trading Development Co Ltd v. *See* Argy Trading Development Co Ltd v Lapid Developments Ltd
Lawton, Capper Pass Ltd v. *See* Capper Pass Ltd v Lawton
Le Marchant v Le Marchant [1977] **3** 610, CA
Leahy v A-G of New South Wales [1959] **2** 300, PC
Explained, Lipinski's Will Trusts, Re [1977] **1** 33

Leake (formerly Bruzzi) v Bruzzi [1974] **2** 1196, CA
Followed, Suttill v Graham [1977] **3** 1117
Lee v Lee's Air Farming Ltd [1960] **3** 420, PC
Dictum applied, Rowley Holmes & Co v Barber [1977] **1** 801
Leicester Council for Voluntary Services, Waddington v. *See* Waddington v Leicester Council for Voluntary Services
Lemsatef, R v. *See* R v Lemsatef
Levison v Patent Steam Carpet Cleaning Co Ltd [1977] **3** 498, CA
Levy, Gosschalk v. *See* Gosschalk v Levy
Lewis v Lewis [1977] **3** 992, CA
Lipinski's Will Trusts, Re [1977] **1** 33, ChD
Liverpool City Council v Irwin [1975] **3** 658, CA
Followed, Shell UK Ltd v Lostock Garage Ltd [1977] **1** 481
Liverpool City Council, Re a complaint against [1977] **2** 650, QBD
Liverpool Corpn v Chorley Union Assessment Committee and Withnell Overseers [1911-13] 194, HL
Dictum applied, Re Briant Colour Printing Co Ltd (in liquidation) [1977] **1** 849
London Association of Shipowners and Brokers Ltd v London and India Docks Joint Committee [1891—4] 462, CA
Dictum applied, Gouriet v Union of Post Office Workers [1977] **3** 70
London Borough of Camden v Post Office [1977] **2** 795, CA
London Borough of Hounslow, R v, ex parte Pizzey. *See* R v London Borough of Hounslow, ex parte Pizzey
London Borough of Merton, Anns v. *See* Anns v London Borough of Merton
London Passenger Transport Board v Moscrop [1940] **3** 225, ChD
Dictum explained, Gouriet v Union of Post Office Workers [1977] **1** 696
Dictum applied, Gouriet v Union of Post Office Workers [1977] **3** 70
London Rent Assessment Committee, R v, ex parte Hanson. *See* Hanson v Church Comrs for England
Lostock Garage Ltd, Shell UK Ltd v. *See* Shell UK Ltd v Lostock Garage Ltd
Love (trading as W Love & Son), Faulkner v. *See* Faulkner v Love (trading as W Love & Son)
Luganda v Service Hotels Ltd [1969] **2** 692, CA
Applied, Marchant v Charters [1977] **3** 918

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Mackender v Feldia A G [1966] **3** 847, CA
Dictum applied, Geismar v Sun Alliance and London Insurance Ltd [1977] **3** 570
MacShannon v Rockware Glass Ltd [1977] **2** 449, CA
Madzimbamuto v Lardner-Burke [1968] **3** 561, PC
Considered, James (an insolvent) (Attorney-General intervening), Re [1977] **1** 364
Maharaj v Attorney-General for Trinidad and Tobago [1977] **1** 411, PC
Mainland Market Deliveries Ltd, Lambert v. *See* Lambert v Mainland Market Deliveries Ltd
Makins v Elson (Inspector of Taxes) [1977] **1** 572, ChD
Malas and Another (Trading as Hamzeh Malas and Sons) v British Imex Industries Ltd [1958] **1** 262, CA
Applied, R D Harbottle (Mercantile) Ltd v National Westminster Bank Ltd [1977] **2** 862
Mallet v Staveley Coal and Iron Co Ltd [1928] 644, CA
Applied, Tucker (Inspector of Taxes) v Granada Motorway Services Ltd [1977] **3** 865
Malyon v Plummer [1962] **3** 884, QBD
Dictum applied, Cookson v Knowles [1977] **2** 820
Manners, Director of Public Prosecutions v. *See* Director of Public Prosecutions v Holly
Manson Investments Ltd, Orakpo v. *See* Orakpo v Manson Investments Ltd
Maratha Envoy, The *See* Federal Commerce and Navigation Co Ltd v Tradax Export SA
Marchant v Charters [1977] **3** 918, CA
Mardorf Peach & Co Ltd v Attica Sea Carriers Corpn of Liberia [1976] **2** 249, CA
Reversed [1977] **1** 545, HL
Maris v Rotherham Corpn [1974] **2** 776, NIRC
Dictum disapproved, W Devis & Sons Ltd v Atkins [1977] **3** 40
Marlborough Street Stipendiary Magistrate, R v, ex parte Bouchereau. *See* R v Marlborough Street Stipendiary Magistrate, ex parte Bouchereau
Marlowe, Hobbs v. *See* Hobbs v Marlowe
Martin v Martin [1977] **3** 762, CA
Martin v Turner [1970] **1** 256, CA
Approved, Birkett v James [1977] **2** 801
Martin, Bromsgrove Casting & Machining Ltd v. *See* Bromsgrove Casting & Machining Ltd v Martin
Martindale, Re [1891—4] 1248, ChD
Applied, F (a minor) (publication of information), Re [1977] **1** 114
Martin's Mortgage Trusts, Re [1951] **1** 1053, CA
Applied, Orakpo v Manson Investments Ltd [1977] **3** 1
Mather & Platt Ltd, Parsons v. *See* Parsons v Mather & Platt Ltd
Maxfern Ltd, Solihull Metropolitan Borough Council v. *See* Solihull Metropolitan Borough Council v Maxfern Ltd
Maynard v Osmond [1977] **1** 64, QBD
McCafferty v Metropolitan Police District Receiver [1977] **2** 756, CA
McCarthy (M) & Co (Builders) Ltd (No 2), Re [1976] **2** 339, ChD
Applied, Lanaghan Bros Ltd, Re [1977] **1** 265
McDonnell v McDonnell [1977] **1** 766, CA
McEwan v McEwan [1972] **2** 708, Div
Applied, Smethurst v Smethurst [1977] **3** 1110
McGowan (Inspector of Taxes) v Brown and Cousins (trading as Stuart Edwards) [1977] **3** 844, ChD
McGregor (Inspector of Taxes) v Adcock [1977] **3** 65, ChD
McKeon, Moore Properties (Ilford) Ltd v. *See* Moore Properties (Ilford) Ltd v McKeon

McKnight, Richards v. *See* Richards v McKnight
Mehmet v Perry [1977] **2** 529, QBD
Mehmet, ex parte, R v Immigration Appeal Tribunal. *See* R v Immigration Appeal Tribunal, ex parte Mehmet
Mellenger v New Brunswick Development Corpn [1971] **2** 593, CA
  Distinguished, Trendtex Trading Corpn Ltd v Central Bank of Nigeria [1977] **1** 881
Merton (London Borough), Anns v. *See* Anns v London Borough of Merton
Messels Service Co, Cheapside Land Development Co Ltd v. *See* United Scientific Holdings Ltd v Burnley Borough Council
Metropolitan Police Comr, Truman (Frank) Export Ltd v. *See* Truman (Frank) Export Ltd v Metropolitan Police Comr
Metropolitan Police District Receiver, McCafferty v. *See* McCafferty v Metropolitan Police District Receiver
Metropolitan Stipendiary Magistrate for South Westminster, R v, ex parte Green. *See* R v Metropolitan Stipendiary Magistrate for South Westminster, ex parte Green
Metzger v Department of Health and Social Security [1977] **3** 444, ChD
Michael v Gowland [1977] **2** 328, FamD
Middleton v Middleton [1966] **1** 168, Div
  Dictum applied, Kendall v Kendall [1977] **3** 471
Miliangos v George Frank (Textiles) Ltd [1975] **1** 1076, CA
  Applied, Federal Commerce and Navigation Co Ltd v Tradax Export SA [1977] **2** 41
  Applied, Kraut (Jean) AG v Albany Fabrics Ltd [1977] **2** 116
  Applied, Despina R, The [1977] **3** 874
  Applied, Services Europe Atlantique Sud (SEAS) v Stockholm Rederiaktiebolag SVea [1977] **3** 945
Miller v Jackson [1977] **3** 338, CA
Milligan, Borough of Christchurch v. *See* Chewton Common, Christchurch, Re
Mills Conduit Investments Ltd v Tattersall [1940] **1** 281, KBD
  Applied, Holiday Credit Ltd v Erol [1977] **2** 696
Ministry of Housing and Local Government v Sharp [1969] **3** 225, QBD
  Considered, Argy Trading Development Co Ltd v Lapid Developments Ltd [1977] **3** 785
Minton, Biggin v. *See* Biggin v Minton
Moeliker v Reyrolle (A) and Co Ltd [1977] **1** 9, CA
Monarch Airlines Ltd, Fothergill v. *See* Fothergill v Monarch Airlines Ltd
Montgomery v Montgomery [1964] **2** 22, Div
  Dictum disapproved, Gouriet v Union of Post Office Workers [1977] **1** 696
Moore v Assignment Courier Ltd [1977] **2** 842, CA
Moore Properties (Ilford) Ltd v McKeon [1977] **1** 262, ChD
Morelle Ltd v Wakeling [1955] **1** 708, CA
  Applied, Industrial Properties (Barton Hill) Ltd v Associated Electrical Industries Ltd [1977] **2** 293
Morgan v Fry [1967] **2** 386, QBD
  Explained, Simmons v Hoover Ltd [1977] **1** 775
Morgan v Morgan [1977] **2** 515, FamD
Morgan v Odhams Press Ltd [1970] **2** 544, CA
  Considered, Fullam v Newcastle Chronicle and Journal Ltd [1977] **3** 32
Morley v Moore [1936] **2** 79, CA
  Approved, Hobbs v Marlowe [1977] **2** 241
Mount Charlotte Investments Ltd v Leek and Westbourne Building Society [1976] **1** 890, ChD
  Overruled, United Scientific Holdings Ltd v Burnley Borough Council [1977] **2** 62
Munby v Furlong (Inspector of Taxes) [1976] **1** 753, ChD
  Reversed [1977] **2** 953, CA
Murray (Inspector of Taxes) v Goodhews [1976] **2** 296, ChD
  Distinguished, McGowan (Inspector of Taxes) v Brown and Cousins (trading as Stuart Edwards) [1977] **3** 844
Mutual Life & Citizens Assurance Co Ltd v Evatt [1971] **1** 150, PC
  Considered, Argy Trading Development Co Ltd v Lapid Developments Ltd [1977] **3** 785

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N (deceased), Re [1977] **2** 687, CA
Naamlooze Vennootschap Handels-en-Transport Maatschappij 'Vulcan' v A/S J Ludwig Mowinckels Rederi [1938] **2** 152, HL
  Dictum applied, Surrendra Overseas Ltd v Government of Sri Lanka [1977] **2** 481
Narang (Manohar Lal), Union of India v. *See* Union of India v Narang (Manohar Lal)
Narang (Om Prakash), Union of India v. *See* Union of India v Narang (Manohar Lal)
National Coal Board, Starr v. *See* Starr v National Coal Board
National Vulcan Engineering Insurance Group Ltd v Wade [1977] **3** 634, EAT
National Westminster Bank Ltd, Harbottle (R D) (Mercantile) Ltd v. *See* Harbottle (R D) (Mercantile) Ltd v National Westminster Bank Ltd
Naviera de Canarias SA v Nacional Hispanica Aseguradora SA [1976] **3** 167, CA
  Reversed [1977] **1** 625, HL
Navy, Army and Air Force Institutes v Varley [1977] **1** 840, EAT
Naydler, Pearson v. *See* Pearson v Naydler
Nea Agrex SA v Baltic Shipping Co Ltd [1976] **2** 842, CA
  Distinguished, Surrendra Overseas Ltd v Government of Sri Lanka [1977] **2** 481
Nestle Co Ltd v IR Comrs [1952] **1** 1388, ChD
  Dicta applied, Chelsea Land & Investment Co Ltd v Inland Revenue Comrs [1977] **3** 23
New Windsor Corpn v Mellor [1974] **2** 510, ChD
  Dictum applied, Rye, The, High Wycombe, Buckinghamshire, Re [1977] **3** 521
Newcastle Chronicle and Journal Ltd, Fullam v. *See* Fullam v Newcastle Chronicle and Journal Ltd

R v Goodchild [1977] **2** 163, CA
Applied, R v Mitchell [1977] **2** 168
R v Governor of Pentonville Prison, ex parte Teja [1971] **2** 11, QBD
Dictum applied, Union of India v Manshar Lal Narang [1977] **2** 348
R v Grantham [1969] **2** 545, C-MAC
Dictum applied, R v Daniel [1977] **1** 620
R v Hambery [1977] **3** 561, CA
R v Hampstead and St Pancras Rent Tribunal, ex parte Goodman [1951] **1** 170, KBD
Applied, Hanson v Church Comrs for England [1977] **3** 404
R v Hartley [1972] **1** 599, CA
Dictum applied, R v Miller [1977] **3** 986
R v Hayes [1977] **2** 288, CA
R v Howells [1977] **3** 417, CA
R v Immigration Appeal Tribunal, ex parte Mehmet [1977] **2** 602, QBD
R v Industrial Injuries Comr, ex parte Amalgamated Engineering Union (No 2) [1966] **1** 97, CA
Dictum explained, R v National Insurance Comr, ex parte Michael [1977] **2** 420
R v Jackson (Alan Victor) [1974] **2** 211, CA
Applied, R v Wehner [1977] **3** 553
R v Kelt [1977] **3** 1099, CA
R v Leicester Gaming Licensing Committee, ex parte Shine [1971] **2** 1329, QBD
Dictum applied, R v Newcastle upon Tyne Gaming Licensing Committee, ex parte White Hart Enterprises Ltd [1977] **3** 961
R v Lemsatef [1977] **2** 835, CA
R v London Borough of Hounslow, ex parte Pizzey [1977] **1** 305, QBD
R v London Rent Assessment Committee, ex parte Hanson. *See* Hanson v Church Comrs for England
R v Lowe [1973] **1** 805, CA
Dictum explained, R v Stone [1977] **2** 341
R v Males [1961] **3** 705, CCA
Dictum disapproved, Webley v Buxton [1977] **2** 595
R v Marlborough Street Stipendiary Magistrate, ex parte Bouchereau [1977] **3** 365, QBD
R v Marquis [1974] **2** 1216, CA
Applied, R v Wehner [1977] **3** 553
R v Melladew [1904-7] 339, CA
Distinguished, Re Briant Colour Printing Co Ltd (in liquidation) [1977] **1** 849
R v Metropolitan Stipendiary Magistrate for South Westminster, ex parte Green [1977] **1** 353, QBD
R v Miller [1977] **3** 986, CA
R v Mitchell [1977] **2** 168, CA
R v Mowatt [1967] **3** 47, CA
Applied, R v Criminal Injuries Compensation Board, ex parte Clowes [1977] **3** 854
R v National Insurance Comr, ex parte Michael [1976] **1** 566, QBD
Affirmed [1977] **2** 420, CA
R v Newbould [1962] **1** 693, Assizes
Overruled, Director of Public Prosecutions v Holly [1977] **1** 316
R v Newcastle upon Tyne Gaming Licensing Committee, ex parte White Hart Enterprises Ltd [1977] **3** 961, CA
R v Nicklin [1977] **2** 444, CA
R v Nugent [1977] **3** 662, CCC
R v Oliva [1965] **3** 116, CCA
Dictum considered, R v Nugent [1977] **3** 662
R v Paddington Valuation Officer, ex parte Peachey Property Corpn Ltd [1964] **3** 200, QBD
Applied, Arsenal Football Club Ltd v Ende [1977] **1** 86
Dictum applied, Arsenal Football Club Ltd v Smith (valuation officer) [1977] **2** 267
R v Parker [1977] **2** 37, CA
R v Rashid [1977] **2** 237, CA
R v Rent Officer for Kensington and Chelsea, ex parte Noel [1977] **1** 356, QBD
R v Roberts [1977] **3** 527, CA
R v Rollafson [1969] **2** 833, CA
Applied, R v Whitehouse [1977] **3** 737
R v Secretary of State for the Home Department, ex parte Hosenball [1977] **3** 452, CA
R v Shannon [1974] **2** 1009, CA & HL
Applied, R v Whitehouse [1977] **3** 737
R v Simons [1977] **3** 527, CA
R v Speck [1977] **2** 859, CA
R v Stone [1977] **2** 341, CA
R v Sutton [1977] **3** 476, CA
R v Tan. *See* Customs and Excise Comrs v Tan
R v Taylor [1977] **3** 527, CA
R v Tucker [1974] **2** 639, CA
Applied, R v Wehner [1977] **3** 553
R v Tyrrell [1891—4] 1215, CCR
Applied, R v Whitehouse [1977] **3** 737
R v Wehner [1977] **3** 553, CA
R v West London Rent Tribunal, ex parte Napper [1965] **3** 734, QBD
Applied, Hanson v Church Comrs for England [1977] **3** 404
R v Whitehouse [1977] **3** 737, CA
R v Wicks [1936] **1** 384, CCA
Applied, Goldsmith v Pressdram Ltd [1977] **2** 557
R v Williams (Roy) [1977] **1** 874, CA
R (M J) (an infant) (proceedings transcripts : publication), Re [1975] **2** 749, FamD
Dictum approved, F (a minor) (publication of information), Re [1977] **1** 114
Radio Corpn of America v Rauland Corpn [1956] **1** 260, QBD
Distinguished, Re Westinghouse Electric Corpn Uranium Contract Litigation MDL Docket No 235 [1977] **3** 703

Rahimtoola v Nizam of Hyderabad (sub nom Nizam of Hyderabad v Jung) [1956] **3** 311, ChD
Dictum applied, Trendtex Trading Corpn Ltd v Central Bank of Nigeria [1977] **1** 881
Rainbow v Moorgate Properties Ltd [1975] **2** 821, CA
Dictum applied, Debtor, A (No 39 of 1974), Re, ex parte Okill v Gething [1977] **3** 489
Ramsey v Hartley [1977] **2** 673, CA
Rank Xerox Ltd v Lane (Inspector of Taxes) [1977] **3** 593, ChD
Rashid, R v. *See* R v Rashid
Rasu Maritima SA v Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina) and Government of Indonesia (as interveners) [1977] **3** 324, CA
Ravenseft Properties Ltd v Director General of Fair Trading [1977] **1** 47, QBD
Reading v R [1948] **2** 27, KBD
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Redpath Dorman Long Ltd, Fyfe v *See* MacShannon v Rockware Glass Ltd
Regan v Regan [1977] **1** 428, FamD
Regan v Williamson [1976] **2** 241, QBD
Applied, Mehmet v Perry [1977] **2** 529
Rent Officer for Kensington and Chelsea, R v, ex parte Noel. *See* R v Rent Officer for Kensington and Chelsea, ex parte Noel
Reynolds, House v. *See* House v Reynolds
Reyrolle (A) and Co Ltd, Moeliker v. *See* Moeliker v Reyrolle (A) and Co Ltd
Ribbins, Johnson v. *See* Johnson v Ribbins
Richards v Curwen [1977] **3** 426, QBD
Richards v McKnight [1977] **3** 625, QBD
Riddick v Thames Board Mills Ltd [1977] **3** 677, CA
Riverstone Meat Co, Pty Ltd v Lancashire Shipping Co Ltd [1958] **3** ∠61, QBD
Dictum applied, Ulster—Swift Ltd v Taunton Meat Haulage Ltd [1977] **3** 641
Robertson v Nomikos (Petros M) Ltd [1938] **3** 249, CA
Dictum explained, Naviera de Canarias SA v Nacional Hispanica Aseguradora SA [1977] **1** 625
Robertson v Walton [1977] **1** 465, ChD
Rockware Glass Ltd, MacShannon v. *See* MacShannon v Rockware Glass Ltd
Rodewald v Rodewald [1977] **2** 609, CA
Rogers v Arnott [1960] **2** 417, QBD
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Rogers v Secretary of State for the Home Department [1971] **2** 1126, QBD
Applied, D v National Society for the Prevention of Cruelty to Children [1977] **1** 589
Dictum applied, R v Secretary of State for the Home Department, ex parte Hosenball [1977] **3** 452
Rolls v Miller [1881-5] 915, CA
Dictum applied, Town Investments Ltd v Department of the Environment [1977] **1** 813
Rondel v Worsley [1966] **3** 657, CA
Applied, Saif Ali v Sydney Mitchell & Co (a firm) [1977] **3** 744
Rookes v Barnard [1961] **2** 825, QBD
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Rose v Rose [1957] **1** 517, Div
Applied, Biggs v Biggs and Wheatley [1977] **1** 20
Rosier, Bale v. *See* Bale v Rosier
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Applied, Siskina, The [1977] **3** 803
Rowe, Taupo Totara Timber Co Ltd v. *See* Taupo Totara Timber Co Ltd v Rowe
Rowley Holmes & Co v Barber [1977] **1** 801, EAT
Rubery Owen Conveyancer Ltd, Watts v. *See* Watts v Rubery Owen Conveyancer Ltd
Russell v Norfolk (Duke) [1948] **1** 488, KBD
Dictum applied, Stevenson v United Road Transport Union [1977] **2** 941
Rye, The, High Wycombe, Buckinghamshire, Re [1977] **3** 521, ChD
Ryzewska, ex parte, R v Croydon and South West London Rent Tribunal. *See* R v Croydon and South West London Rent Tribunal, ex parte Ryzewska

S

S v S [1977] **1** 56, CA
S (B D) v S (D J) (infants : care and consent) [1977] **1** 656, CA
S (D J) (infants : care and consent), S (B D) v. *See* S (B D) v S (D J) (infants : care and consent)
S (infants) (adoption by parent), Re [1977] **3** 671, CA
Saif Ali v Sydney Mitchell & Co (a firm) [1977] **3** 744, CA
Samuel Properties (Developments) Ltd v Hayek [1972] **2** 881, ChD
Overruled, United Scientific Holdings Ltd v Burnley Borough Council [1977] **2** 62
Scott v Scott [1911-13] 1, HL
Considered, F (a minor) (publication of information), Re [1977] **1** 114
Secretary of State for Education and Science v Metropolitan Borough of Tameside [1976] **3** 665, HL
Applied, Laker Airways Ltd v Department of Trade [1977] **2** 182
Secretary of State for the Environment, Clyde & Co v. *See* Clyde & Co v Secretary of State for the Environment
Secretary of State for the Environment, French Kier Developments Ltd v. *See* French Kier Developments Ltd v Secretary of State for the Environment
Secretary of State for the Environment, Spackman v. *See* Spackman v Secretary of State for the Environment
Secretary of State for the Home Department, Khan v. *See* Khan v Secretary of State for the Home Department
Secretary of State for the Home Department, R v, ex parte Hosenball. *See* R v Secretary of State for the Home Department, ex parte Hosenball

Secretary of State for Trade, ex parte, R v Cheltenham Justices. *See* R v Cheltenham Justices, ex parte Secretary of State for Trade
Seneviratne v R [1936] **3** 36, PC
Dictum applied, R v Nugent [1977] **3** 662
Senior v Holdsworth [1975] **2** 1009, CA
Dictum applied, Morgan v Morgan [1977] **2** 515
Services Europe Atlantique Sud (SEAS) v Stockholms Rederiaktiebolag SVEA [1977] **3** 945, QBD
Severne (Inspector of Taxes) v Dadswell [1954] **3** 243, ChD
Applied, McGowan (Inspector of Taxes) v Brown and Cousins (trading as Stuart Edwards) [1977] **3** 844
Shell UK Ltd v Lostock Garage Ltd [1977] **1** 481, CA
Shinh v Shinh [1977] **1** 97, ChD
Simmons v Hoover Ltd [1977] **1** 775, EAT
Simmons v Pizzey [1977] **2** 432, HL
Simmons v Russell Financiers Ltd [1934] 246, CA
Applied, Holiday Credit Ltd v Erol [1977] **2** 696
Simpson (Inspector of Taxes) v John Reynolds & Co (Insurances) Ltd [1974] **2** 545, ChD
Dictum applied, McGowan (Inspector of Taxes) v Brown and Cousins (trading as Stuart Edwards) [1977] **3** 844
Siskina, The [1977] **3** 803, HL
Skinner, Re [1948] **1** 42, ChD
Applied, Re F (infants)(adoption order : validity) [1977] **2** 777
Skyviews & General Ltd, Bernstein (Lord) of Leigh v. *See* Bernstein (Lord) of Leigh v Skyviews & General Ltd
Smethurst v Smethurst [1977] **3** 1110, FamD
Smith (valuation officer), Arsenal Football Club Ltd v. *See* Arsenal Football Club Ltd v Smith (valuation officer)
Smith, Early (Charles) & Marriott (Witney) Ltd. *See* Snoxell v Vauxhall Motors Ltd
Smith, Pryer v. *See* Pryer v Smith
Smith Hogg & Co Ltd v Black Sea & Baltic General Insurance Co Ltd [1938] **4** 383, KBD
Dictum applied, Ulster—Swift Ltd v Taunton Meat Haulage Ltd [1977] **3** 641
Snoxell v Vauxhall Motors Ltd [1977] **3** 770, EAT
Société G1enérale De Paris v Dreyfus Brothers [1886—90] 206, CA
Explained, Siskina, The [1977] **3** 803
Solihull Metropolitan Borough Council v Maxfern Ltd [1977] **2** 177, ChD
Sorbie v Trust Houses Forte Hotels Ltd [1977] **2** 155, EAT
Southern Railway of Peru Ltd v Owen (Inspector of Taxes) [1956] **2** 728, HL
Distinguished, Willingale (Inspector of Taxes) v International Commercial Bank Ltd [1977] **2** 618
Sovmots Investments Ltd v Secretary of State for the Environment [1976] **1** 178, QBD
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Reversed [1977] **2** 385, HL
Spackman v Secretary of State for the Environment [1977] **1** 257, QBD
Sparham-Souter v Town and Country Developments (Essex) Ltd [1976] **2** 65, CA
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Speck, R v. *See* R v Speck
Sperrings Ltd, Goldsmith v. *See* Goldsmith v Sperrings Ltd
Spink and Beeching (Sales) Ltd, Dutton v. *See* Dutton v Spink and Beeching (Sales) Ltd
Spurling (J) Ltd v Bradshaw [1956] **2** 121, CA
Dictum applied, Levison v Patent Steam Carpet Cleaning Co Ltd [1977] **3** 498
St Helens Colliery Co Ltd v Hewitson [1923] 249, HL
Dictum applied, R v National Insurance Comr, ex parte Michael [1977] **2** 420
St Nicholas, Brockenhurst, Re [1977] **3** 1027, Con Ct
St Pierre v South American Stores (Gath & Chaves) Ltd [1935] 408, CA
Dictum applied, MacShannon v Rockware Glass Ltd [1977] **2** 449
Stafford Borough Council v Elkenford Ltd [1977] **2** 519, ChD
Stag Line Ltd v Foscolo Mango & Co Ltd [1931] 666, HL
Dictum approved, James Buchanan & Co Ltd v Babco Forwarding and Shipping (UK) Ltd [1977] **3** 1048
Starr v National Coal Board [1977] **1** 243, CA
Steadman v Steadman [1973] **3** 977, CA
Explained, Re Gonin (deceased) [1977] **2** 720
Stevenson v United Road Transport Union [1976] **3** 29, ChD
Affirmed [1977] **2** 941, CA
Stickney v Keeble [1914-15] 73, HL
Dictum explained, United Scientific Holdings Ltd v Burnley Borough Council [1977] **2** 62
Stockholms Rederiaktiebolag SVea, Services Europe Atlantique Sud (SEAS) v. *See* Services Europe Atlantique Sud (SEAS) v Stockholms Rederiaktiebolag SVea
Stokes, Quigley v. *See* Quigley v Stokes
Stonehouse, Director of Public Prosecutions v. *See* Director of Public Prosecutions v Stonehouse
Strange, Price v. *See* Price v Strange
Stratford (J T) & Son Ltd v Lindley [1964] **2** 209, CA
Dictum applied, Simmons v Hoover Ltd [1977] **1** 775
Stratford (J T) & Son Ltd v Lindley (No 2) [1969] **3** 1122, CA
Applied, Covell Matthews & Partners v French Wools Ltd [1977] **2** 591
Strong v Bird [1874-80] 230, Rolls Ct
Distinguished, Re Gonon (deceased) [1977] **2** 720
Suisse Atlantique Société d'Armement Maritime SA v NV Rotterdamsche Kolen Centrale [1966] **2** 61, HL
Dicta followed, Levison v Patent Steam Carpet Cleaning Co Ltd [1977] **3** 498
Sun Alliance and London Insurance Ltd, Geismar v. *See* Geismar v Sun Alliance and London Insurance Ltd
Surrendra Overseas Ltd v Government of Sri Lanka [1977] **2** 481, QBD
Suttill v Graham [1977] **3** 1117, CA

Sweeney v Sir Robert McAlpine & Sons Ltd [1974] **1** 474, CA
Disapproved, Birkett v James [1977] **2** 801
Sydney Mitchell & Co (a firm), Saif Ali v. *See* Saif Ali v Sydney Mitchell & Co (a firm)

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T (otherwise H) (an infant), Re [1962] **3** 970, ChD
Applied, D v B (otherwise D) (child : surname) [1977] **3** 751
Tan, R v. *See* Customs and Excise Commissioners v Tan
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Applied, Mardorf Peach & Co Ltd v Attica Sea Carriers Corpn of Liberia [1977] **1** 545
Taunton Meat Haulage Ltd, Ulster—Swift Ltd v. *See* Ulster—Swift Ltd v Taunton Meat Haulage Ltd
Taupo Totara Timber Co Ltd v Rowe [1977] **3** 123, PC
Taylor (C R) (Wholesale) Ltd v Hepworths Ltd [1977] **2** 784, QBD
Tehidy Minerals Ltd v Norman [1971] **2** 475, CA
Applied, Yateley Common, Hampshire, Re [1977] **1** 505
Terry v East Sussex County Council [1977] **1** 567, EAT
Thai-Europe Tapioca Service Ltd v Government of Pakistan, Ministry of Food and Agriculture, Directorate of Agricultural Supplies (Imports and Shipping Wing) [1975] **3** 961, CA
Dictum applied, Trendtex Trading Corpn Ltd v Central Bank of Nigeria [1977] **1** 881
Thames Board Mills Ltd, Riddick v. *See* Riddick v Thames Board Mills Ltd
Thomas v Times Book Co Ltd (The) [1966] **2** 241, ChD
Distinguished, Johnson v Ribbins [1977] **1** 806
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Thorne v British Broadcasting Corpn [1967] **2** 1225, CA
Considered, Gouriet v Union of Post Office Workers [1977] **1** 696
Thorpe v Alexander Fork Lift Trucks Ltd [1975] **3** 579, CA
Distinguished, Dutton v Spink and Beeching (Sales) Ltd [1977] **1** 287
Disapproved, Birkett v James [1977] **2** 801
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Tito v Waddell (No 2) [1977] **3** 129, ChD
Tiverton Estates Ltd v Wearwell Ltd [1974] **1** 209, CA
Dictum explained, Moore v Assignment Courier Ltd [1977] **2** 842
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Applied, Robertson v Walton [1977] **1** 465
Total Transport Ltd, Aries Tanker Corporation v. *See* Aries Tanker Corporation v Total Transport Ltd
Town Investments Ltd v Department of the Environment [1976] **3** 479, CA
Reversed [1977] **1** 813, HL
Treloar v Nute [1977] **1** 230, CA
Trendtex Trading Corpn v Central Bank of Nigeria [1976] **3** 437, QBD
Reversed [1977] **1** 881, CA
Truman (Frank) Export Ltd v Metropolitan Police Comr [1977] **3** 431, QBD
Trust Houses Forte Hotels Ltd, Sorbie v. *See* Sorbie v Trust Houses Forte Hotels Ltd
Tucker (Inspector of Taxes) v Granada Motorway Services Ltd [1977] **3** 865, ChD
Turkington, Re [1937] **4** 501, ChD
Applied, Lipinski's Will Trusts, Re [1977] **1** 33
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UDT Securities, Northern Development (Holdings) Ltd v. *See* Northern Development (Holdings) Ltd v UDT Securities
Ufitec Group Ltd, Inland Revenue Comrs v. *See* Inland Revenue Comrs v Ufitec Group Ltd
Ulster—Swift Ltd v Taunton Meat Haulage Ltd [1977] **3** 641, CA
Union of India v Manohar Lal Narang [1977] **2** 348, QBD & HL
Union of India v Om Prakash Narang. *See* Union of India v Manohar Lal Narang
Union of Post Office Workers, Gouriet v. *See* Gouriet v Union of Post Office Workers
United Dominions Trust (Commercial) Ltd v Eagle Aircraft Services Ltd [1968] **1** 104, CA
Dictum applied, United Scientific Holdings Ltd v Burnley Borough Council [1977] **2** 62
United Overseas Bank v Jiwani [1977] **1** 733, QBD
United Scientific Holdings Ltd v Burnley Borough Council [1976] **2** 220, CA
Reversed [1977] **2** 62, HL

V

Van Duyn v The Home Office (No 2) [1975] **3** 190, CA
Applied, R v Marlborough Street Stipendiary Magistrate, ex parte Bouchereau [1977] **3** 365
Vandervell Trustees Ltd v White [1969] **1** 1056, ChD
Distinguished, Balen v Inland Revenue Comrs [1977] **2** 406
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Vestey v Inland Revenue Comrs [1977] **3** 1073, ChD
Vitkovice Horni a Hutni Tezirstvo v Korner (sub nom Korner v Witkowitzer Bergbau und Eisenhuetten Gewerkschaft) [1950] **1** 558, CA
Applied, Rasu Maritima SA v Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina) and Government of Indonesia (as interveners) [1977] **3** 324

W

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Considered, S v S [1977] **1** 56
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Explained, West v West [1977] **2** 705
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Distinguished, National Vulcan Engineering Insurance Group Ltd v Wade [1977] **3** 634
Applied, Eaton Ltd v Nuttall [1977] **3** 1131
Wade, National Vulcan Engineering Group Ltd v. *See* National Vulcan Engineering Group Ltd v Wade
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Wales v Wadham [1977] **2** 125, FamD
Walker (Inspector of Taxes) v Carnaby, Harrower, Barham & Pykett [1970] **1** 502, ChD
Distinguished, McGowan (Inspector of Taxes) v Brown and Cousins (trading as Stuart Edwards) [1977] **3** 844
Wallis's Cayton Bay Holiday Camp Ltd v Shell-Mex and BP Ltd [1974] **3** 575, CA
Distinguished, Treloar v Nute [1977] **1** 230
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Dictum applied, Rasu Maritima SA v Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina) and Government of Indonesia (as interveners) [1977] **3** 324
Ware v Fox [1967] **1** 100, ChD
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Warner v Metropolitan Police Comr [1967] **3** 93, CA
Distinguished, R v Howells [1977] **3** 417
Watkins v Kidson (Inspector of Taxes) [1977] **3** 545, ChD
Watts v Rubery Owen Conveyancer Ltd [1977] **2** 1, EAT
Wearing v Pirelli Ltd [1977] **1** 339, HL
Webley v Buxton [1977] **2** 595, QBD
Wehner, R v. *See* R v Wehner
West v West [1977] **2** 705, CA
Westinghouse Electric Corp Uranium Contract Litigation MDL Docket No 235, Re [1977] **3** 703, CA
Westinghouse Electric Corpn Uranium Contract Litigation MDL Docket No 235 (No 2), Re [1977] **3** 717, CA
Westminster City Council v Southern Ry Co [1936] **2** 322, HL
Dictum applied, Re Briant Colour Printing Co Ltd (in liquidation) [1977] **1** 849
White v Taylor (No 2) [1968] **1** 1015, ChD
Dictum considered, Yateley Common, Hampshire, Re [1977] **1** 505
White, Director of Public Prosecutions v. *See* Director of Public Prosecutions v White
White Hart Enterprises Ltd, ex parte, R v Newcastle upon Tyne Gaming Licensing Committee. *See* R v Newcastle upon Tyne Gaming Licensing Committee, ex parte White Hart Enterprises Ltd
Whitehouse, R v. *See* R v Whitehouse
Wienand v Anderton (Inspector of Taxes) [1977] **1** 384, ChD
Wiggins, British Airways Board v. *See* British Airways Board v Wiggins
Wilkins v Wilkins [1969] **2** 463, Div
Applied, Smethurst v Smethurst [1977] **3** 1110
Williams v Atlantic Assurance Co [1932] 32, CA
Distinguished, Ramsey v Hartley [1977] **2** 673
Williams v Williams [1977] **1** 28, CA
Considered, Re Bailey (a bankrupt), ex parte the trustee of the bankrupt v Bailey [1977] **2** 26
Williams Brothers Direct Supply Stores Ltd v Raftery [1957] **3** 593, CA
Distinguished, Treloar v Nute [1977] **1** 230
Williams (Roy) R v. *See* R v Williams (Roy)
Willingale (Inspector of Taxes) v International Commercial Bank Ltd [1976] **2** 468, ChD
Affirmed [1977] **2** 618, CA
Wilson v Arnott [1977] **2** 5, QBD
Wilson (Inspector of Taxes), Yuill v. *See* Yuill v Wilson (Inspector of Taxes)
Wilson Lovatt & Sons Ltd, Re [1977] **1** 274, ChD
Winstanley v North Manchester Overseers [1908-10] 752, HL
Dictum explained, Re Briant Colour Printing Co Ltd (in liquidation) [1977] **1** 849
Dictum explained, Re Briant Colour Printing Co Ltd (in liquidation) [1977] **3** 968
Winterbottom (G) (Leeds) Ltd, Re [1937] **2** 232, ChD
Applied, Bellaglade Ltd, Re [1977] **1** 319
Wippell (J) & Co Ltd, Gleeson v. *See* Gleeson v J Wippell & Co Ltd
Wolkind v Ali [1975] **1** 193, QBD
Approved, Simmons v Pizzey [1977] **2** 432
Wolverhampton Steel & Iron Co Ltd, Re [1977] **1** 417, ChD
Affirmed [1977] **3** 467, CA
Wood, Home Counties Dairies Ltd v. *See* Home Counties Dairies Ltd v Wood
Wood Preservation Ltd v Prior (Inspector of Taxes) [1968] **2** 849, ChD
Applied, Inland Revenue Comrs v Ufitec Group Ltd [1977] **3** 924
Woodall-Duckham Ltd, Pearce (Inspector of Taxes) v. *See* Pearce (Inspector of Taxes) v Woodall-Duckham Ltd
Woodward v Hutchins [1977] **2** 751, CA
Woolmer v Delmer Price Ltd [1955] **1** 377, QBD
Approved, Levison v Patent Steam Carpet Cleaning Co Ltd [1977] **3** 498

Wyre Forest District Council, Brintons Ltd v. *See* Brintons Ltd v Wyre Forest District Council

Y

Y v Y (Child : Surname) [1973] **2** 574, PDA
Applied, D v B (otherwise D) (child : surname) [1977] **3** 751
Yateley Common, Hampshire, Re [1977] **1** 505, ChD
Dictum applied, Chewton Common, Christchurch, Re [1977] **3** 509
Young v Percival [1974] **3** 677, CA
Applied, Cookson v Knowles [1977] **2** 820
Young, Austen & Young Ltd v British Medical Association [1977] **2** 884, ChD
Yuill v Wilson (Inspector of Taxes) [1977] **3** 903, ChD

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Zacharia v Republic of Cyprus [1962] **2** 438, HL
Dictum applied and doubted, Union of India v Manohar Lal Narang [1977] **2** 348

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Statutes considered

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Administration of Justice Act 1960
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Administration of Justice Act 1969
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Carriage by Air Act 1961
Sch 1, art 26(2) .. .. [1977] **3** 616

Carriage of Goods by Road Act 1965
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Sch, art 23, para 1 .. .. [1977] **1** 518, [1977] **3** 1048
Sch, art 23, para 2 .. .. [1977] **1** 518, [1977] **3** 1048
Sch, art 23, para 4 .. .. [1977] **1** 518, [1977] **3** 1048

Carriage of Goods by Sea Act 1924
s 3, Sch, art III, r 6 .. .. [1977] **1** 398

Chancery Amendment Act 1858
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Children Act 1960
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Children Act 1975
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Children and Young Persons Act 1933
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Civil Aviation Act 1949
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Commons Registration Act 1965
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Criminal Damage Act 1971
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European Communities Act 1972
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Evidence (Proceedings in Other Jurisdictions) Act 1975
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- Sch 1, para 8(1) .. .. [1977] **2** 795

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- s 9(1) .. .. [1977] **2** 737

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- s 40(2) .. .. [1977] **1** 390
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Income Tax Act 1952
- s 169(3) .. .. [1977] **3** 593
- s 170 .. .. [1977] **2** 218, [1977] **3** 996
- s 404(2) .. .. [1977] **2** 331
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- s 17 .. .. [1977] **1** 576, [1977] **2** 715
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- s 33 .. .. [1977] **2** 890
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National Insurance (Industrial Injuries) Act 1965
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Police Act 1964
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Powers of Criminal Courts Act 1973
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Recognition of Divorces and Legal Separations Act 1971
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Road Traffic Act 1972
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Road Traffic Regulation Act 1967
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Sex Discrimination Act 1975
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Settlement of income tax appeal. *See* **Income tax** (Appeal—Settlement by agreement).

AGRICULTURAL HOLDING
Surrender of tenancy—
Statutory compensation for disturbance—
Capital gains tax—Capital sum received for surrender of rights. *See* **Capital gains tax** (Disposal of assets—Capital sum derived from asset notwithstanding no asset acquired by person paying sum—Capital sum received for surrender of rights—Surrender of lease—Statutory compensation paid to agricultural tenant for disturbance).

AIDING AND ABETTING
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AIR SPACE
Trespass to land—
Invasion of air space. *See* **Trespass to land** (Air space—Invasion of Air space of another).

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AIRCRAFT
Trespass to land—
Use of air space. *See* **Trespass to land** (Air space—Aircraft).

AIRPORT
Value added tax—
Concessionaires granted right to display and sell goods from shop premises in airport—
Whether consideration for grant exempt from value added tax. *See* **Value added tax** (Exemptions—Grant of right over or licence to occupy land—Agreement between aiport authority and concessionaires—Concessionaires granted right to display and sell goods from shop premises in airport).

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Order—
Validity—Natural justice—Deportation in the interest of national security—Applicability of rules of natural justice—Particulars of allegations against person to be deported—Refusal of Secretary of State to give particulars—Non-statutory advisory procedure—Minister's undertaking in House of Commons outlining advisory procedure and statement of immigration rules as to procedure—Whether undertaking and statement of rules disclosure of particulars of the allegations if sources of information would not be revealed—Whether immigration rules of law—Immigration Act 1971, ss 3(2)(5)(*b*), 15(3)—Statement of Immigration Rules for Control after Entry: EEC and other Non-Commonwealth Nationals (January 1973), r 42. **R v Secretary of State for the Home Department, ex parte Hosenball** [1977] **3** 452, CA.
Immigration. *See* **Immigration**

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Court of Appeal—
Criminal appeal. *See* **Criminal law** (Court of Appeal—Order of court—Alteration).
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Proposal to alter current valuation list. *See* **Rates** (Proposal for alteration of current valuation list).

AMALGAMATION
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Stamp duty—
Relief. *See* **Stamp duty** (Relief—Reconstruction or amalgamation of companies).

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Bankruptcy. *See* **Bankruptcy** (Petition—Amendment).

ANCILLARY RIGHTS
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Ancillary rights over adjoining land. *See* **Housing** (Compulsory purchase—Property to be acquired—Ancillary rights over adjoining land).

ANIMAL
Carriage by sea, air, road or rail—
Receptacle—
Duty of consignor, carrier etc for time being in charge of animal which is to be carried to ensure receptacle complies with prescribed requirements—Extent of duty—Carrier—Continuing duty during period of carriage—Animals accepted for carriage and loaded on to carrier's aircraft by carrier's agents—Crates carried from Holland to England—Crates not complying with prescribed requirements—Whether carrier under continuing duty from time crates loaded on aircraft until crates discharged in England to ensure suitability of crates for the animals—Whether offence committed in England—Animals (General) Order 1973 (SI 1973 No 1377), art 8(1)(*b*). **British Airways Board v Wiggins** [1977] **3** 1068, QBD.
Dangerous animal—
Liability for damage—
Exceptions from liability—Damage suffered by person who has voluntarily accepted risk—Evidence—Plaintiff entering yard where fierce dog on guard—Plaintiff aware of dog's presence and ferocity—Notice on yard gate warning visitors to beware of dog—Dog attacking and injuring plaintiff—Whether plaintiff voluntarily incurring risk of damage—Whether owner of dog exempt from liability for damage—Animals Act 1971, s 5(2). **Cummings v Granger (sued as Grainger)** [1977] **1** 104, CA.
Exceptions from liability—Trespasser—Animal kept for protection of persons or property—Keeping animal for protection of persons or property not unreasonable—Reasonablness—Alsatian dog kept to guard yard in East End of London—Yard used for storing scrap metal—Scrap metal liable to be stolen—Dog attacking and injuring trespasser—Whether reasonable to keep dog to guard yard—Animals Act 1971, s 5(3)(*b*). **Cummings v Granger (sued as Grainger)** [1977] **1** 104, CA.
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Dangerous dog—
Liability for damage caused by dog. *See* Dangerous animal—Liability for damage, *ante*.

ANNUAL PAYMENT
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Disposal of right to annual payments due under personal covenant not secured on property. *See* **Capital gains tax** (Exemptions and reliefs—Disposal of right to annual payments due under personal covenant not secured on property).
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ANONYMITY
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Exemption from need to have firearm certificate. *See* **Firearms** (Certificate—Exemption—Antique firearm).

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Practice. *See* **Adoption** (Practice—Appeal).
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Criminal appeal—
Court of Appeal. *See* **Criminal Law** (Court of Appeal).
Jamaica. *See* **Jamaica** (Criminal law—Appeal).
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Leave to appeal. *See* **House of Lords** (Leave to appeal).
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APPEAL (cont)
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Matrimonial order—
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Matrimonial order—
Appeal to High Court against order of magistrates. *See* **Husband and wife** (Matrimonial order—Appeal to High Court against order of magistrates).
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Matrimonial order—
Appeal to High Court against order of magistrates—Form of notice of appeal. *See* **Husband and wife** (Matrimonial order—Appeal to High Court against order of magistrates—Procedure—Form of notice of appeal).
Patent appeal—
Tribunal. *See* **Patent** (Appeal tribunal).
Refusal of planning permission—
Appeal to Minister. *See* **Town and country planning** (Appeal to Minister against refusal of permission for development).
Registration of common lodging-house—
Refusal of application—
Application to register premises as common lodging-house. *See* **Public health** (Common lodging-house—Registration—Application to register premises as common lodging-house—Refusal of application—Appeal).
Review of exercise of discretion—
Adoption proceedings—
Decision to dispense with consent of parent or guardian. *See* **Adoption** (Dispensing with consent of parent or guardian—Appeal—Review of judge's discretion to dispense with consent).
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Care proceedings in juvenile court—Care order—Exercise of discretion in making order. *See* **Children and young persons** (Care proceedings in juvenile court—Care order—Exercise of discretion in making order—Review by appellate court of exercise of discretion).
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County court. *See* **County court** (Appeal—Right of appeal).
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Access to minor—
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Licensing of premises. *See* **Gaming** (Licensing of premises—Application for licence).
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Business premises. *See* **Landlord and tenant** (Business premises—Application for new tenancy).

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ARBITRATION
Arbitration clause—
Partnership agreement—
Applicability of arbitration clause to claim by partner under bill of exchange—Clause providing for reference to arbitration of all disputes arising out of partnership relationship between partnership and partners or among partners—Partnership agreement governed by German law—Bill of exchange given in payment of purchase price for goods sold by one partner to another—Goods to be used for purpose of partnership's business—Action by vendor on dishonoured bill—Defendant raising claims for unliquidated damages by way of defence, set-off or counterclaim to action—Whether arbitration clause applicable to claim under bill of exchange—Arbitration Act 1975, s 1(1). **Nova (Jersey) Knit Ltd v Kammgarn Spinnerei GmbH** [1977] 2 463, HL.

ARBITRATION (cont)
Award—
Foreign currency—
Damages—Breach of contract—Currency in which damages to be awarded—Currency in which loss has been incurred—Charterparty governed by English law—Currency of account US dollars—Cargo arriving at Brazilian port of discharge in damaged condition due to unseaworthiness of ship—Claims under bills of lading by cargo receivers against French charterers—Charterers purchasing Brazilian cruzeiros with French francs to settle claims—Charterers claiming damages payable by shipowners in French francs or US dollars—Whether loss incurred in French francs or Brazilian cruzeiros—Whether damages payable in cruzeiros, francs, dollars or pounds sterling. **Services Europe Atlantique Sud (SEAS) v Stockholms Rederiaktiebolag SVEA** [1977] **3** 945, QBD.
Commencement—
Notice requiring appointment of arbitrator—
Need for notice to be clear and unequivocal and to contain definite requirement—Letter stating that party would be putting matter to arbitration and would advise details of arbitrator appointed in due course—Whether letter constituting notice requiring appointment of arbitrator—Whether arbitration deemed to be commenced on date of letter—Limitation Act 1939, s 27(3). **Surrendra Overseas Ltd v Government of Sri Lanka** [1977] **2** 481, QBD.
Foreign currency—
Award. *See* Award—Foreign currency, *ante*.
Stay of court proceedings—
Refusal of stay—
No dispute between parties on any matter agreed to be referred—Dispute between partners—Arbitration clause in partnership agreement—Bill of exchange given in payment of purchase price for goods sold by one partner to another—Goods to be used for the purpose of the partnership's business—Bill of exchange dishonoured—Action on bill—Defendant raising claims for unliquidated damages as defence, set-off or counterclaim to action—Whether there was a 'dispute between the parties with regard to' the bill of exchange—Whether action should be stayed—Act 1975, s 1(1). **Nova (Jersey) Knit Ltd v Kammgarn Spinnerei GmbH** [1977] **2** 463, HL.

ARRAIGNMENT
Criminal trial *See* **Criminal law** (Trial—Arraignment).

ARRIVED SHIP
Port charterparty—
Commencement of lay days. *See* **Shipping** (Commencement of lay days—Arrived ship under port charterparty).

ASSAULT
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Disposal—
Capital gains tax. *See* **Capital gains tax** (Disposal of assets).
Transfer of assets abroad—
Income tax avoidance. *See* **Income tax** (Avoidance—Transfer of assets abroad).
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Effect of operation of doctrine—
Assignment of creditor's rights. *See* **Subrogation** (Effect of operation of doctrine—Assignment of creditor's rights).
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Power to assign right of action to bankrupt. *See* **Bankruptcy** (Trustee in bankruptcy—Power to assign right of action to bankrupt).

ATTEMPT
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Exclusion of tenancy from statutory protection—
Amount of rent attributable to attendance forming substancial part of whole rent. *See* **Rent restriction** (Protected tenancy—Excluded tenancies—Amount of rent attributable to attendance forming substancial part of whole rent).

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Decision whether or not to consent to relator action—
Review of decision by court—Whether court having jurisdiction to review decision. **Gouriet v Union of Post Office Workers** [1977] **3** 70, HL.
Injunction—
Breach of criminal law—Injunction to restrain threatened breach of criminal law—Circumstances in which assistance of civil courts should be invoked in aid of criminal law. **Gouriet v Union of Post Office Workers** [1977] **3** 70, HL.

ATTORNEY-GENERAL (cont)
Relator action (cont)—
Local authority—
Proceedings for the assertion and protection of public rights—Power to bring proceedings in own name—Injunction to prevent use of premises for Sunday market. *See* **Practice** (Parties—Local authority—Assertion and protection of public rights—Local authority instituting proceedings for injunction to prevent use of premises as Sunday market—Whether local authority bound to sue on relation of Attorney-General).
Refusal of consent to relator action—
Right of member of public to sue in own name—Claim for declaration or injunction—Enforcement of criminal law—Interlocutory injunction—Public interest—Effect of refusal of Attorney-General's consent to relator action—Right of member of public to bring action in own name—Plaintiff having no particular interest above that of other members of public—Action to restrain postal workers' union from instructing members to interfere with postal services in breach of criminal law—Attorney-General refusing consent to relator action—Right of member of public to sue in own name for declaratory judgment—Right to interim injunction—Supreme Court of Judicature (Consolidation) Act 1925, s 45(1). **Gouriet v Union of Post Office Workers** [1977] **1** 696, CA.
Right of member of public to sue in own name—Claim for declaration or injunction—Enforcement of public rights—Effect of refusal of Attorney-General's consent to relator action—Right of member of public to bring action in own name—Plaintiff having no interest other than as member of public—Action to restrain postal workers' unions from instructing members to interfere with postal services in breach of criminal law—Attorney-General refusing consent to relator action—Whether member of public entitled to sue in own name for injunction or declaration against union. **Gouriet v Union of Post Office Workers** [1977] **3** 70, HL.
Role of Attorney-General in relator action—
Costs—Conduct of action under control of Attorney-General—Relator acting as agent of Attorney-General—Relator liable for costs of action. **Gouriet v Union of Post Office Workers** [1977] **3** 70, HL.

AUTHORITIES
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List of authorities to be cited. *See* **House of Lords** (Procedure—List of authorities).

AVIATION
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Statutory defence. *See* **Trespass to land** (Air space—Aircraft—Statutory defence—Flight of aircraft over property).
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AVOIDANCE
Disposition of property—
Compulsory winding-up of company—
Avoidance of disposition after commencement of winding-up. *See* **Company** (Compulsory winding-up—Avoidance of disposition of property after commencement of winding-up).
Exclusion from right to redundancy payment. *See* **Redundancy** (Exclusion from right to redundancy payment—Avoidance of exclusion).
Income tax. *See* **Income tax** (Avoidance).
Income tax—
Tax advantage. *See* **Income tax** (Tax advantage).

AWARD
Arbitration—
Generally. *See* **Arbitration** (Award).

BAGGAGE
Carriage by air—
Damage to baggage. *See* **Carriage by air** (Damage to baggage or cargo).

BAILMENT
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BANK
Documentary credit—
Confirmed credit—
Performance bond given by seller to buyer as security for fulfilment by seller of obligations under contract of sale—Duty of bank to pay on being satisfied that terms of mandate and confirmations complied with—Seller required by contract to establish 'guarantee' confirmed by bank of proportion of sale price—Guarantees providing that payment to be made on buyer's 'first demand'—No provision for proof of breach of contract or other safeguard—Unjustifiable demand by buyer for payment under guarantee—Duty of bank to pay regardless of merits of dispute between seller and buyer. **R D Harbottle (Mercantile) Ltd v National Westminster Bank Ltd** [1977] **2** 862, QBD.
Estoppel by representation—
Money paid to customer under mistake of fact—
Customer misled as to state of account—Money spent by customer—Prejudice suffered by customer making it inequitable to require him to make restitution. *See* **Estoppel** (Representation—Prejudice suffered by party misled by misrepresentation—Prejudice making it inequitable to require party misled to make restitution—Money paid to party misled under mistake of fact—Money spent by party misled—Banker and customer).
Foreign central bank—
Immunity from suit. *See* **Constitutional law** (Foreign sovereign state—Immunity from suit—Central bank of foreign state).

BANK OF IRELAND
Corporation entitled to act as custodian trustee—
Grant of probate. *See* **Probate** (Grant—Trust corporation—Corporation entitled to act as custodian—Bank of Ireland).

BANKRUPTCY
Adjudication—
Annulment of adjudication—
Jurisdiction—Consequential rescission of receiving order and dismissal of petition—Receiving order and adjudication order made by county court registrar—Whether county court judge have jurisdiction to annul adjudication and to set aside receiving order and petition—Whether application to set aside bankruptcy proceedings should have been made to registrar. **Re a debtor (No 39 of 1974), ex parte Okill v Gething** [1977] **3** 489, ChD.
Anonymity—
Title of proceedings. *See* Practice—Title of proceedings—Anonymity, *post*.
British court—
Jurisdiction to act in aid of another British court. *See* Jurisdiction—Jurisdiction to act in aid of another British court, *post*.
Costs—
Security for costs—
Nominal plaintiff—Bankrupt as nominal plaintiff. *See* **Costs** (Security for costs—Nominal plaintiff—Bankrupt).
Discharge—
Locus standi of discharged bankrupt—
Compulsory winding-up of company—Bankrupt a contributory—Application for stay of proceedings. *See* **Company** (Compulsory winding-up—Stay of proceedings—Locus standi of applicant for stay—Contributory—Discharged bankrupt).
Jurisdiction—
Jurisdiction to act in aid of another British court—
British court—Court which is by its constitution British—Court in British colony—Necessity for court to recognise authority of British Crown—High Court of Rhodesia—Effect of 'unilateral declaration of independence' by Rhodesian government—Introduction of republican constitution—Rhodesia in law a British colony—Letters of request issued by High Court of Rhodesia to bankruptcy division of English High Court—Letters of request seeking aid in collection of Rhodesian debtor's English assets—Whether English court having jurisdiction to make orders in aid of letters of request—Bankruptcy Act 1914, s 122. **Re James (an insolvent) (Attorney-General intervening)** [1977] **1** 364, CA.
Offences—
Undischarged bankrupt obtaining credit—
Obtaining credit—Default in payment due under agreement—No stipulation as to credit—Bankrupt entering into hire—purchase agreement with finance company to purchase car—£115 payable under agreement in 24 monthly instalments—Bankrupt defaulting on third instalment—Bankrupt not asking for extension of time for payment of instalment—Whether bankrupt obtained credit on occurrence of default—Whether allowing the default to occur amounted to conduct which effected the giving of credit—Bankruptcy Act 1914, s155(*a*). **R v Miller** [1977] **3** 986, CA.
Petition—
Amendment—
Petition by secured creditor—Application to amend by stating that willing to surrender security for benefit of creditors generally—No evidence of value of security—Creditor deliberately omitting to disclose security in petition on legal advice—Delay in applying for amendment—Application to amend made only when debtor applied to have bankruptcy proceedings set aside—Whether discretion to amend petition should be exercised by allowing amendment—Whether absence of evidence as to value of security reason for refusing amendment—Whether deliberate omission to disclose security or delay in applying to amend reasons for refusing amendment—Bankruptcy Act 1914, s 109(3). **Re a debtor (No 39 of 1974), ex parte Okill v Gething** [1977] **3** 489, ChD.
Creditor's petition—
Secured creditor—Judgment debt—Debt secured by charging order on debtor's property—Charging order not executed by appointment of receiver—Creditor on legal advice stating in petition that he did not hold any security on debtor's estate—Creditor not appointing receiver for purpose of executing charging order prior to service of petition on debtor—Receiving order and adjudication order made pursuant to petition—Application by debtor to set aside bankruptcy proceedings on ground that creditor was a secured creditor and was therefore required to state in petition the value of his security or that he was willing to surrender it—Whether creditor a 'secured creditor' by virtue of charging order—Whether failure to appoint receiver making him an unsecured creditor for purposes of bankruptcy—Bankruptcy Act 1914, s 4(2). **Re a debtor (No 39 of 1974), ex parte Okill v Gething** [1977] **3** 489,
Hearing—
Exclusion of public—Only petitioning creditor, debtor and respective legal advisers to be present at hearing. **Re a debtor (No 28 of 1976), ex parte the debtor v Carr** [1977] **1** 193, ChD.
Substitution of petitioning creditor—
Notice to debtor—Notice to be given to debtor of application to be substituted as petitioning creditor. **Re a debtor (No 28 of 1976), ex parte the debtor v Carr** [1977] **1** 193, ChD.
Practice—
Title of proceedings—
Anonymity—Omission of debtor's name before receiving order made and advertised. **Re a debtor (No 28 of 1976), ex parte the debtor v Carr** [1977] **1** 193, ChD.

BANKRUPTCY (cont)
Property available for distribution—
Matrimonial home—
Sale under trust for sale—Interests of children as a relevant consideration—Husband and wife joint tenants of home—Husband declared bankrupt—Home held by husband and wife on trust for sale—Wife entitled to half share in equity—Husband having no other substantial assets to meet claims of creditors—Application by trustee in bankruptcy for order for sale—Wife and child of the marriage living in home—Child aged 16 studying for examinations—Discretion of court whether to order sale—Factors governing exercise of discretion—Whether interest of child an overriding factor. **Re Bailey (a bankrupt), ex parte the trustee of the bankrupt v Bailey** [1977] **2** 26, ChD.
Substitution of petitioning creditor. *See* Petition—Substitution of petitioning creditor, *ante*.
Trustee in bankruptcy—
Assignment of right of action to bankrupt—
Absolute assignment—Effect of covenant by assignee to pay assignor proportion of proceeds of action. *See* **Chose in action** (Assignment—Absolute assignment—Right of action—Effect of covenant by assignee to pay assignor proportion of proceeds of action—Bankruptcy).
Power to assign right of action to bankrupt—
Public policy—Trustee having power to sell right of action to any person—Any person including bankrupt—Trustee assigning his right of action in tort to bankrupt—Bankrupt covenanting to pay trustee percentage of net proceeds of action—Whether assignment contrary to public policy—Bankruptcy Act 1914, s 55(1). **Ramsey v Hartley** [1977] **2** 673, CA.
Power to sell property of bankrupt—
Sell—Transfer of thing in action—Assignment of cause of action—Assignment by deed—Whether 'sell' including transfer of thing in action by bankrupt—Whether necessary that assignment should be for valuable consideration—Bankruptcy Act 1914, s 55(1). **Ramsey v Hartley** [1977] **2** 673, CA.

BARRISTER
Books—
Expenditure on acquisition—
Capital allowance. *See* **Income tax** (Capital allowances—Plant—Books—Books purchased by barrister for purpose of carrying on his profession).
Generally. *See* **Counsel**.

BEACH
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Boundary. *See* **Boundary** (Seashore—Beach).

BENEFIT
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Industrial injury. *See* **Industrial injury** (Disablement benefit).
National insurance—
Rates of benefit. *See* **National insurance** (Rates of benefit).
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BILL OF EXCHANGE
Arbitration—
Clause in partnership agreement—
Applicability of clause to claim by partner under bill of exchange. *See* **Arbitration** (Arbitration clause—Partnership agreement—Applicability of arbitration clause to claim by partner under bill of exchange).
Discounting—
Income tax—
Computation of profits. *See* **Income tax** (Computation of profits—Discounting bills of exchange).

BIRTH
Expenses incidental to birth—
Affiliation order. *See* **Affiliation** (Affiliation order—Expenses incidental to the birth of the child).

BOND
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Documentary credit—
Bond given by seller to buyer as security for fulfilment by seller of obligations under contract of sale. *See* **Bank** (Documentary credit—Confirmed credit—Performance bond given by seller to buyer as security for fulfilment by seller of obligations under contract of sale).

BOOK
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Barrister—
Capital allowances. *See* **Income tax** (Capital allowances—Plant—Books—Books purchased by barrister for purpose of carrying on his profession).

BOUNDARY
Seashore—
Beach—
Area of beach—Area from low-water mark to high-water mark and area to landward of high-water mark in apparent continuity with beach at high-water mark—Extraction of sand—Agreement permitting extraction of sand from 'beach'. **Tito v Waddell (No 2)** [1977] **3** 129, ChD.

BREACH OF CONFIDENCE
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BREACH OF CONTRACT
Damages—
Sale of land. *See* **Sale of land** (Damages for breach of contract).

BREACH OF INJUNCTION
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BREACH OF STATUTE
Injunction—
Alternative remedies not exhausted—
Power of court to grant relief. *See* **Injunction** (Alternative remedies—Alternative remedies not exhausted—Power of court to grant relief—Breach of statute).

BREACH OF THE PEACE
Criminal libel—
Leave to commence proceedings—
Discretion of judge—Factors to be considered by judge before exercising discretion—Likelihood of breach of the peace. *See* **Libel and slander** (Criminal libel—Leave to commence proceedings—Discretion of judge—Exercise of discretion—Factors to be considered by judge before exercising discretion—Whether necessary to consider likelihood of breach of peace).

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BUILDER
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BUILDING
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Measure of damages. *See* **Damages** (Measure of damages—Negligence—Damage to building).
Damages—
Measure of damages for injury to building. *See* **Damages** (Land—Measure of damages for injury to land).
Local authority—
Duty to take care—
Act performed in exercise of statutory powers—Building operations. *See* **Negligence** (Duty to take care—Statutory powers—Act performed in exercise of powers—Local authority—Building operations).
Newly erected building—
Rates. *See* **Rates** (Unoccupied property—Newly erected building).
Rates—
Building occupied in parts. *See* **Rates** (Rateable occupation—Building occupied in parts).
Surcharge on unused commercial building. *See* **Rates** (Surcharge on unused commercial building).

BURDEN OF PROOF
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Loss or damage to goods—
Special risks inherent in nature of goods—Goods requiring protection from temperature or humidity—Carrier relieved from liability on proof than he has taken all steps incumbent on him in the circumstances. *See* **Carriers** (Loss or damage to goods—Special risks inherent in specified circumstances—Nature of goods—Goods requiring protection from temperature or humidity—Carrier relieved of liability on proof that he has taken all steps incumbent on him in the circumstances).
Equality of treatment between male and female employees—
Variation between woman's contract and man's contract due to material difference other than sex. *See* **Employment** (Equality of treatment between men and women—Variation between woman's contract and man's contract due to material difference other than se

BUSINESS
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Relief—
Disposal of business on retirement. *See* **Capital gains tax** (Exemptions and reliefs—Disposal of business on retirement).
Premises—
New tenancy—
Terms of new tenancy. *See* **Landlord and tenant** (Business premises—Terms of new tenancy).
Rates—
Surcharge on unused commercial building. *See* **Rates** (Surcharge on unused commercial building).
Rent—
Limitation—Counter-inflation legislation. *See* **Landlord and tenant** (Rent—Business premises—Limitation—Prohibition on increase in rate of rent—Counter-inflation legislation).
Tenancy. *See* **Landlord and tenant** (Business premises).

CANDIDATE
Local government election—
Nomination. *See* **Elections** (Local government—Nomination papers).

CANNABIS
Generally. *See* **Drugs** (Dangerous drugs—Cannabis).

CAPITAL
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CAPITAL GAINS TAX (cont)
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Compensation for loss of goods—Value of goods at place and time at which accepted for carriage—Goods intended for export—Excise duty—Value of goods duty paid value or ex duty value—Whisky sold for export ex bonded warehouse—Whisky loaded on trailer at warehouse but stolen in England in transit to Europe—Sellers required to pay excise duty on whisky—Whether 'value of goods at place and time at which they were accepted for carriage' duty paid value or ex duty value—Carriage of Goods by Road Act 1965, Sch, art 23, paras 1,2. **James Buchanan & Co Ltd v Babco Forwarding and Shipping (UK) Ltd** [1977] **3** 1048, HL.
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Presumption that loss or damage attributable to one or more of special risks—Onus on claimant of displacing presumption—Whether sufficient to prove on balance of probabilities that loss or damage not in fact attributable either wholly or partly to one of those risks—Carriage of Goods by Road Act 1965, Sch, art 17, para 4, art 18, para 2. **Ulster—Swift Ltd v Taunton Meat Haulage Ltd** [1977] **3** 641, CA.

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CHILDREN AND YOUNG PERSONS
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Waste land of a manor—Lordship of manor and ownership of land in different persons—Whether land waste land 'of a manor'—Commons Registration Act 1965, s 22(1)(*b*). **Re Yateley Common, Hampshire** [1977] **1** 505, ChD.
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Non-user of right for long period—Evidence of intention to abandon right—Non-user because of legal impediments to user—Non-user not amounting to abandonment—Rights of common exercised over land since time immemorial until 1942—In 1942 land requisitioned for wartime aerodrome—After derequisition land used for civil airport—Rights of access prevented by requisition and by regulations governing civil airports—Rights of common not abandoned. **Re Yateley Common, Hampshire** [1977] **1** 505, ChD.
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Disclosure to and approval by company—Lump sum payable under service agreement—Service agreement giving right to resign within 12 months of take-over on giving three months' notice of resignation—Agreement providing that lump sum payable on date employment ceased—Agreement validly entered into—Whether payment of lump sum under service agreement required disclosure to members of company and approval of company—Companies Act 1955 (New Zealand), s 191. **Taupo Totara Timber Co Ltd v Rowe** [1977] **3** 123, PC.
Resignation—
Time limit—Notice—Service agreement giving right to resign within 12 months of take-over on giving three months notice of resignation—Lump sum payable on date employment ceased—Notice of resignation given within 12 months of take-over but taking effect outside 12 month period—Whether director having resigned within 12 month period. **Taupo Totara Timber Co Ltd v Rowe** [1977] **3** 123, PC.
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Compensation for loss of office—
Director. *See* Director—Compensation for loss of office—Disclosure to and approval by company, *ante*.
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Transcripts of evidence given by witnesses—
Production of transcripts in subsequent criminal proceedings—Magistrates—Witness summons. *See* **Magistrates** (Witness summons—Material evidence—Transcripts of evidence given by witnesses at investigation into company's affairs).
Libel—
Publication by one employee of company to another. *See* **Libel and slander** (Publication—Third party—Master and servant—Publication by one employee of company to another).
Liquidator—
Winding-up. *See* Winding-up—Liquidator, *post*.
Loss of office—
Director—
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Stamp duty—

Relief. *See* **Stamp duty** (Relief—Reconstruction or amalgamation of companies).

Reduction of capital—

Application—

Long vacation—Application to Companies Court in Long Vacation. *See* **Practice** (Companies Court—Applications in Long Vacation—Applications for schemes of arrangement or reconstruction, for reduction of share capital or in respect of capital redemption reserve funds or share premium accounts).

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Director. *See* Director—Resignation, *ante*.

Resolution—

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Right of individual member to require company to include resolution in agenda of meeting—Duty of company to give notice of resolution—Resolution to remove director—Articles of company conferring no power on individual member to require resolution to be included in agenda—Whether company could be compelled to give notice of resolution to be proposed by member and include it in agenda—Companies Act 1948, s 142. **Pedley v Inland Waterways Association Ltd** [1977] **1** 209, ChD.

Scheme of arrangement—

Application—

Long Vacation—Applications to Companies Court in Long Vacation. *See* **Practice** (Companies Court—Applications in Long Vacation—Applications for schemes of arrangement or reconstruction, for reduction of share capital or in respect of capital redemption reserve funds or share premium accounts).

Security for costs. *See* **Costs** (Security for costs—Company).

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Allotment—

Petition by allottee to wind—up company—Locus standi. *See* **Company** (Compulsory winding—up—Petition by contributory—Locus standi—Allottee of shares).

Stay of proceedings—

Winding-up. *See* Winding-up—Stay or restraint of proceedings against company, *post*.

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Relief—Reconstruction or amalgamation of companies—Acquisition of shares in unlimited company. *See* **Stamp duty** (Relief—Reconstruction or amalgamation of companies—Acquisition of shares in existing company—Particular existing company—Existing company an unlimited company).

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Compulsory winding-up. *See* Compulsory winding-up, *ante*.

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Costs of proceedings—Proceedings initiated by liquidator—Personal liability—Usual order where liquidator initiates proceedings that liquidator 'do pay the costs'—Costs not limited to assets of the company—Liquidator bringing proceedings alleging fraud—Liquidator abandoning part of proceedings and failing in remaining proceedings—Draft order that costs of proceedings be paid by liquidator—Draft order amended in Companies' Registry, according to usual practice, by adding that costs be paid 'out of the assets of the company'—Company having no assets available for costs—Proper order as to costs. **Re Wilson Lovatt & Sons Ltd** [1977] **1** 274, ChD.

Rates—Rateable occupation—Exclusion of liquidator from company's premises by trespassers—Former employees of company taking possession of factory and preventing liquidator from gaining access. *See* **Rates** (Rateable occupation—Owner having legal possession—Presumption of occupation—Rebuttal—Exclusion from hereditament by trespassers in occupation—Former employees of company in liquidation taking over possession and control of factory—Liquidator prevented from gaining access to factory).

Preferential payments—

Taxes—Distress levied but not completed before commencement of winding—up—Voluntary winding—up—Crown distraining on goods of company for unpaid taxes—Company going into creditors' voluntary winding—up before completion of distress by sale of goods—Whether Crown entitled to retain benefit of distress—Whether Crown to rank pari passu with other preferential creditors—Whether court should exercise its discretion to stay further proceedings on the distress—Companies Act 1948, ss 307,319(1)(7).**Re Herbert Berry Associates Ltd** [1977] **3** 729, CA.

Stay or restraint of proceedings against company—

Distress levied against company before commencement of winding-up—Discretion of court to stay proceedings—Relevance of rule that creditor not entitled to retain benefit of execution not completed at commencement of winding-up—Rule applicable to execution but not to distress by landlord—Whether court justified in staying distress proceedings in absence of special circumstances such as fraud or unfair dealing—Companies Act 1948, ss 226, 325(1). **Re Bellaglade Ltd** [1977] **1** 319, ChD.

COMPENSATION
Capital gains tax—
Surrender of rights—
Capital sum received for surrender—Surrender of lease—Statutory compensation paid to agricultural tenant for disturbance. *See* **Capital gains tax** (Disposal of assets—Capital sum derived from assets notwithstanding no asset acquired by person paying sum—Capital sum received for surrender of rights—Surrender of lease—Statutory compensation paid to agricultural tenant for disturbance).
Carriage of goods by road—
Compensation for loss of goods. *See* **Carriers** (Contract—Carriage of goods—Compensation for loss of goods).
Crime—
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Criminal injuries—
Entitlement to compensation—
Final decision on quantum of award—Entitlement to award before notification or payment—Death of victim following final decision but before notification of award—Whether deceased entitled to compensation at time of death—Whether executors entitled to receive payment of sum determined by board. **R v Criminal Injuries Compensation Board, ex parte Tong** [1977] **1** 171, CA.
Personal injury directly attributable to crime of violence—Crime of violence—Criminal activity which in circumstances involves probability of injury or violence to another—Damage to property—Gas pipe on premises broken to allow escape of gas by person committing suicide—Police officer entering premises injured by explosion of accumulated gas—Whether offence of destroying or damaging property a 'crime of violence'—Whether offence of damaging property intending to endanger another or being reckless whether another endangered a 'crime of violence'—Criminal Damage Act 1971, s 1(1)(2)(*b*)—Compensation for Victims of Crimes of Violence Scheme 1964 (1969 Revision), para 5. **R v Criminal Injuries Compensation Board, ex parte Clowes** [1977] **3** 854, QBD.
Personal injury directly attributable to crime of violence—Directly attributable—Substantial rather than sole cause—Relationship between cause and injury such that reasonable person would fairly regard it as being a cause—Compensation for Victims of Crimes of Violence Scheme 1964 (1969 Revision), para 5. **R v Criminal Injuries Compensation Board, ex parte Clowes** [1977] **3** 854, QBD.
Loss of office—
Company director. *See* **Company** (Director—Compensation for loss of office).
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Complaint within prescribed period of damage to baggage or cargo. *See* **Carriage by air** (Damage to baggage or cargo—Complaint to carrier within prescribed period after discovery of damage).
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Rates. *See* **Rates** (Unoccupied property—Newly erected building—Completion).

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COMPULSORY WINDING-UP
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Local government—Complaint to local commissioner. *See* **Local government** (Maladministration—Complaint to local commissioner—Production of documents and information).
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Production of documents. *See* **Discovery** (Production of documents—Confidence).

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Jurisdiction to act in aid of another British court. *See* **Bankruptcy** (Jurisdiction—Jurisdiction to act in aid of another British court).
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Proper law of contract—
Service out of the jurisdiction—Action on contract governed by English law. *See* **Practice** (Service out of the jurisdiction—Action on contract governed by English law).
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Foreign cause of action. *See* **Practice** (Stay of proceedings—Foreign cause of action).

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Dispensing with consent of parent or guardian. *See* **Adoption** (Dispensing with consent of parent or guardian).
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Parent's consent to change of child's surname—
Deed poll. *See* **Minor** (Change of surname—Deed poll—Consent of parent).
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Child—
Consent of child incapable of preventing act being indecent assault. *See* **Criminal law** (Indecent assault—Consent of child incapable of preventing act being indecent assault).
Order—
Consent order made without personal attendance. *See* **Practice** (Order—Consent order made without personal attendance).
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Refusal of Attorney-General to consent to relator action. *See* **Attorney-General** (Relator action—Refusal of consent to relator action).

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Conspiracy count and substantive counts. *See* **Indictment** (Joinder of charges—Conspiracy count and substantive counts).

CONSTITUTIONAL LAW
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Crown. *See* **Crown**
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Immunity from suit—
Central bank of foreign state—Separate legal entity incorporated by legislative enactment—Bank not declared to be a department of state—Bank responsible for issue of currency and entrusted with government's banking and foreign exchange transactions—Bank engaging in ordinary banking transactions but having limited power to act as private banker—Whether bank a department or organ of government—Whether bank entitled to claim sovereign immunity in respect of commercial transaction. **Trendtex Trading Corpn Ltd v Central Bank of Nigeria** [1977] 1 881, CA.
Prerogative. *See* **Crown** (Prerogative).
Trust—
Governmental obligation—
Justiciability in court. *See* **Trust and trustee** (Nature of trust justiciable in court—Government obligation).

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Excluded classes of employment—
Employment under contract normally involving employment for less than 21 hours weekly. *See* **Unfair dismissal** (Excluded classes of employment—Employment under contract normally involving employment for less than 21 hours weekly—Employment—Consultant available to advise employer when occasion arose).

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Breach of injunction—
Divorce—When committal order should be made—Committal order remedy of last resort—Committal order to be made only where every other effort to bring situation under control has failed or is likely to fail—Suspended committal order—Factors to be considered when suspending committal order—Committal order against wife for breach of interim injunction restraining her from entering matrimonial home or molesting husband—Committal order suspended provided wife complied with injunction but order providing that it could be executed without further notice to wife on filing evidence of service of committal order on wife and that she was in breach of injunction—Validity of committal order. **Ansah v Ansah** [1977] **2** 638, CA.
Criminal contempt—
Contempt in face of court—
Duty of court to make plain to alleged contemnor specific nature of alleged contempt—Counsel—Accusation that judge guilty of 'unjudicial conduct'—Judge considering accusation a vicious attack on integrity of court—Judge failing to explain that view to counsel—Judge committing counsel to prison for contempt—Whether failure of judge to explain specific nature of contempt vitiating committal. **Maharaj v Attorney-General for Trinidad and Tobago** [1977] **1** 411, PC.
Publications concerning legal proceedings—
Court sitting in private—
Wardship or adoption proceedings—Proceedings—Whether 'proceedings' limited to hearing before court sitting in wardship—Whether including reports and other information relating to wardship—Administration of Justice Act 1960, s 12(1)(*a*). **Re F (a minor) (publication of information)** [1977] **1** 114, CA.
Wardship or adoption proceedings—Publication of information relating to proceedings contempt—Defence—Publisher ignorant that proceedings pending or imminent—Whether proof necessary that publisher reckless as to existence of wardship proceedings—Whether ignorance of proceedings a defence—Administration of Justice Act 1960, s 12(1)(*a*)(4). **Re F (a minor) (publication of information)** [1977] **1** 114, CA.
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Removal of ward from jurisdiction without leave—
Indorsement on originating summons applying to make child a ward. *See* **Ward of court** (Removal of ward from jurisdiction—Removal without leave of court—Indorsement on originating summons applying to make child a ward).

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Contract governed by English law. *See* **Practice** (Service out of the jurisdiction—Action on contract governed by English law).
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Injury to land—
Compensation for work which might not be performed—Alternative basis of assessment of damages—Mining lease containing replanting obligation—Failure to carry out obligation—Damages based on cost of carrying out replanting work if plaintiff established work would be done—Alternative damages based on diminution in market value. **Tito v Waddell (No 2)** [1977] **3** 129, ChD.
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Equality of treatment between men and women. *See* **Employment** (Equality of treatment between men and women—Equality clause).
Exception clause—
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Exclusion from exception clause of loss in consequence of fundamental breach—Burden of proving fundamental breach—Burden of proof on bailee to show loss not occurring in consequence of fundamental breach—Valuable carpet lost by cleaning company—Owners alleging loss due to fundamental breach of contract by cleaners—Burden on cleaners to show how loss occurred. **Levison v Patent Steam Carpet Cleaning Co Ltd** [1977] **3** 498, CA.

CONTRACT (cont)
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Effect on exception clause. *See* Fundamental breach—Effect on exception clause, *post*.
Fundamental breach—
Effect on exception clause—
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Arrival of ship under port charterparty—Commencement of lay days. *See* **Shipping** (Commencement of lay days—Arrived ship under port charterparty—Implied term).
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Solus agreement between supplier and buyer—Implied term forbidding abnormal discrimination against buyer in favour of competing buyers—Term unnecessary to give efficacy to contract—Term incapable of sufficiently precise formulation—Solus agreement between suppliers of petrol and garage owner—Petrol price 'war'—Suppliers operating support scheme in favour of other buyers supplied by them—Garage owner excluded from scheme—Exclusion causing hardship—Whether suppliers in breach of an implied term not abnormally to discriminate against garage owner. **Shell UK Ltd v Lostock Garage Ltd** [1977] **1** 481, CA.
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Part performance—
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Act relied on referable to contract concerning land—Need to establish that acts constituting part performance referable to such a contract—Oral promise to plaintiff by mother that plaintiff should have mother's house after her death if plaintiff came to live with and look after mother—Whether acts of plaintiff in living with and looking after mother sufficient to constitute part performance of contract. **Re Gonin (deceased)** [1977] **2** 720, ChD.
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Person contracting with himself in different capacity—
Personal representative of deceased contracting with himself in personal capacity—Employment—Employee appointed personal representative of employer—Employee continuing in employment on death of employer—Employee taken into employment of himself as personal representative. *See* **Employment** (Continuity—Death of employer—Employee taken into employment of deceased's personal representative—Power as personal representative to contract with himself as individual).
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Participation in strike—Exclusion from right to redundancy payment. *See* **Redundancy** (Exclusion from right to redundancy payment—Conduct entitling employer to terminate contract of employment without notice—Participation in strike—Repudiation of contract of employment).
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Restraint of trade. *See* **Restraint of trade by agreement**
Service—
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Equality of treatment of men and women. *See* **Employment** (Equality of treatment between men and women—Equality clause).
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Maintenance agreement—
Non-disclosure of material fact—Right to rescind agreement—Wife concealing intention to remarry following divorce. *See* **Husband and wife** (Maintenance—Agreement—Non-disclosure of material fact—Wife concealing intention to remarry following divorce—Right to rescind agreement—Contract uberrima fides).

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CONVEYANCE
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COPYHOLD
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Generally. *See* **Criminal law** (Costs).
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Abatement of proceedings on payment of rates and costs. *See* **Rates** (Distress for rates—Abatement of proceedings on payment of rates and costs).
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Costs of proceedings. *See* **Company** (Winding-up—Liquidator—Costs of proceedings).
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Successful third party—Plaintiff legally aided—Recovery of costs from successful defendant—Impact of legal aid to be disregarded—Normal rule applicable that costs follow the event—Usual order therefore that defendant should pay the third party's costs—Relationship of defendant and third party that of plaintiff and defendant—Legal Aid Act 1974, s 7(6)—RSC Ord 62, r 3(2). **Johnson v Ribbins** [1977] **1** 806, CA.
Scale of costs—
Increase—
House of Lords. *See* **House of Lords** (Costs—Taxation—Increase to scale of costs).
Security for costs—
Company—
Limited company as plaintiff—Natural person co-plaintiff with company—Company likely to be unable to pay costs of defendant if successful in his defence—Discretion of court whether or not to order security—Whether court precluded from making order where co-plaintiff a natural person—Whether fact that co-plaintiff a natural person a factor to be taken into account in exercising discretion—Companies Act 1948, s 447. **Pearson v Naydler** [1977] **3** 531, ChD.
Nominal plaintiff—
Bankrupt—Trustee in bankruptcy's right of action assigned to bankrupt—Bankrupt covenanting to pay trustee 35 per cent of proceeds of action if successful—Whether bankrupt 'nominal plaintiff'—RSC Ord 23, r 1(1). **Ramsey v Hartley** [1977] **2** 673, CA.
Taxation—
House of Lords. *See* **House of Lords** (Costs—Taxation).
Legal aid. *See* **Legal aid** (Taxation of costs).

COSTS (cont)
Taxation (cont)—
Review of taxation—
Costs in Crown Court—Costs payable out of central funds—Review of decision of taxing authority—Time for appealing to taxing master—Procedure—Form of notice of appeal—Documents to accompany application for review—Appeal from decision of taxing master—Costs in Criminal Cases (Central Funds)(Appeals) Regulations 1977 (SI 1977 No248), regs 4(1)(4), 5(1). **Practice Direction** [1977] **2** 541.
Third party—
Successful third party—
Order for costs—Discretion. *See* Order for costs—Discretion—Successful third party, *ante*.
Unassisted person's costs out of legal aid fund. *See* **Legal aid** (Unassisted person's costs out of legal aid fund).

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Order in divorce proceedings. *See* **Divorce** (Property—Adjustment order—Transfer of property—Local authority tenancy).

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Capital allowance. *See* **Income tax** (Capital allowances—Plant—Books—Books purchased by barrister for purpose of carrying on his profession).
Contempt of court—
Contempt in face of court—
Duty of court to make plain nature of alleged contempt. *See* **Contempt of court** (Criminal contempt—Contempt in face of court—Duty of court to make plain to alleged contemnor specific nature of alleged contempt—Counsel).
Negligence—
Immunity—
Preliminary advice on matters connected with pending or contemplated litigation—Advice given negligently—Counsel instructed to advise on claim for damages and settle proceedings—Counsel advising and settling proceedings—Proceedings unsuccessful—Counsel sued for negligence in respect of advice given on claim, in settling proceedings and in advising during proceedings—Whether action for negligence lies against counsel in respect of preliminary advice given in connection with litigation—Whether proceedings should be struck out. **Saif Ali v Sydney Mitchell & Co (a firm)** [1977] **3** 744, CA.

COUNT
Joinder. *See* **Indictment** (Joinder of charges).

COUNTERACTING
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COUNTER-INFLATION
Legislation—
Limitation on rent. *See* **Landlord and tenant** (Rent—Limitation—Prohibition on increase in rate of rent).

COUNTER-STATEMENT
Tax advantage—
Counteracting—
Commissioners' counter-statement. *See* **Income tax** (Tax advantage—Counteracting—Commissioners' counter-statement).

COUNTY COURT
Appeal—
Right of appeal—
Question of fact—Adoption proceedings—No right of appeal on questions of fact in respect of making or refusing of adoption orders—County Courts Act 1959, s 109. **Re D (an infant) (parent's consent)** [1977] **1** 145, HL.
Costs—
Discretion—
Scale of costs—Deprivation of costs—Real amount at stake less than nominal amount plaintiff entitled to claim—Real amount at stake less than prescribed amount—Action by car owner for damages arising out of collision with another car—Car owner obtaining indemnity from insurers for damage other than £10 excess and loss of use of car—Claim for excess and loss of use less than prescribed amount—Knock-for-knock agreement between insurers and defendant's insurers—Action by car owner for full amount of damages including sum recovered from insurers—Whether open to judge to deprive plaintiff of costs. **Hobbs v Marlowe** [1977] **2** 241, HL.
Interest on costs—
Divorce proceedings. *See* **Divorce** (Costs—Interest on costs—County court proceedings).
Jurisdiction—
Rent officer—
Determination of fair rent—Jurisdiction to determine issue. *See* **Rent restriction** (Rent—Determination of fair rent—Jurisdiction—Rent officer).
Payment into court—
Stay of proceedings—
Removal of stay—Stay effected by payment into court of whole amount of claim—Jurisdiction to remove stay in a proper case. *See* **Practice** (Payment into court—Stay of proceedings—Removal of stay—Stay effected by payment into court of whole amount of claim—Jurisdiction of court to remove stay in a proper case—County court action).

COUNTY COURT (cont)
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Preliminary issue as to jurisdiction—
Jurisdiction of county court to determine issue. *See* **Rent tribunal** (Preliminary issue as to jurisdiction—County court's jurisdiction to determine issue).
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Transfer to another county court—
Proceedings commenced in wrong court—Statutory provision conferring jurisdiction on a particular court—Applications relating to mobile homes on protected sites—Statute conferring right to make applications to the county court for the district in which the protected site is situated—Application made to wrong court—Judge ordering transfer of proceedings to correct court—Whether judge having jurisdiction to make transfer order—Whether application a nullity or a procedural irregularity—County Courts Act 1959, s 102(3)(*b*)—Mobile Homes Act 1975, ss 4(5), 9(1)—CCR Ord 16, r 4(*a*). **Faulkner v Love (trading as W Love & Son)** [1977] **1** 791, CA.

COURT
Abuse of process—
Dismissal of action. *See* **Action** (Dismissal—Abuse of process of court).
Contempt of court. *See* **Contempt of court**
Discretion—
Statutory provision affecting exercise of discretion—
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CRIMINAL EVIDENCE
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Answers and statements to police—
Right to consult solicitor—Refusal to allow suspect to consult solicitor—Interrogation by customs officers—Admissions and statement made voluntarily at end of interrogation and before defendant allowed to see solicitor—Whether admissible in evidence—Judges' Rules (1964), Introduction App A, principle (*c*). **R v Lemsatef** [1977] **2** 835, CA.
Child—
Oath—
Ability to understand nature of oath—Appreciation of solemnity of occasion and duty to tell truth when on oath material considerations—Awareness of divine sanction of taking oath not necessary—Whether child who is ignorant of existence of God should be permitted to give evidence on oath—Children and Young Persons Act 1933, s 38(1). **R v Hayes** [1977] **2** 288, CA.
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CRIMINAL LAW (cont)
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Consent of child incapable of preventing act being indecent assault—
Act alleged to constitute assault not itself indecent—Act done in surrounding circumstances of indecency—Act not hostile or threatening—Photographer photographing young boys in nude or partially clothed for magazines—Photographer touching boys on their bodies to indicate how he wished them to pose—Touching not hostile or threatening—Boys consenting—Whether consent of boys to the touching availed to prevent it being an indecent assault—Sexual Offences Act 1956, s 15(1)(2). **R v Sutton** [1977] **3** 476, CA.
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Personal injury directly attributable to crime of violence—
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Attempt to obtain property by deception—Physical acts of accused all done abroad—Physical acts intended and likely to have consequence that property of another obtained in England—Well-known politician and businessman faking death abroad—Accused under false identity going to live in another country—Object of faking death to enable wife in England to obtain from English insurance companies moneys under policies on life of accused—Wife innocent party—Accused knowing and intending that news media would communicate to England false representation that he was dead—Accused himself not communicating false representation—Wife not claiming under policies because accused detected and arrested—Whether English courts had jurisdiction to try offence of attempting to obtain property by deception—Theft Act 1968, s 15(1). **Director of Public Prosecutions v Stonehouse** [1977] **2** 909, HL.
Legal aid. *See* **Legal aid** (Criminal law).
Libel. *See* **Libel and slander** (Criminal libel).
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Assumption of duty of care for infirm person—Breach of duty amounting to recklessness—Indifference to obvious risk of injury to health or actual foresight of risk of injury sufficient to prove recklessness—Sister living in house with brother and mistress—Sister becoming helplessly infirm—Sister dying from neglect—Whether assumption of duty to care for sister—Whether brother and mistress reckless or grossly negligent in regard to duty. **R v Stone** [1977] **2** 341, CA.
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Obtaining pecuniary advantage by deception—
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Duplicity. *See* **Magistrates** (Information—Duplicity—Obtaining pecuniary advantage by deception).
Obtaining property by deception—
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Going equipped with articles for cheat—
Need to prove that deception would have been practised on person from whom property to be obtained—Employee dishonestly intending to sell own articles as property of employer—British Rail steward intending to use own articles for making sandwiches—Intention to pocket proceeds of sale of sandwiches—Whether intention to deceive employers sufficient mens rea to constitute offence—Whether necessary to establish intention to deceive passengers and that deception would have induced passengers to buy sandwiches—Theft Act 1968, s 25(1). **R v Rashid** [1977] **2** 237, CA.
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Documents. *See* **Privilege** (Legal professional privilege—Documents—Criminal proceedings).
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CRIMINAL LAW (cont)
Theft (cont)—
Property belonging to another—
Identification of property stolen—Charge of stealing part only of certain items—Proof that whole of each item stolen—Sale of goods—Underpayment—Fraudulent arrangement between shop assistant and customer—Arrangement whereby customer undercharged for goods—Meat handed over counter in supermarket with undercharged price marked on wrapping paper—Customer paying for meat and other goods at check-out—Shop assistant and customer charged with theft of part of meat—Impossible to prove appropriation of part of meat only—Purported sale of meat to customer a nullity—Whether defendants could be convicted of theft of all of meat—Theft Act 1968, s 1(1). **Pilgram v Rice-Smith** [1977] **2** 658, QBD.
Trial—
Arraignment—
Omission of formal arraignment—Intention of accused to plead not guilty—No plea taken from accused—Trial proceeding on basis of plea of not guilty—Omission of arraignment not vitiating trial if plea of not guilty vicariously offered or tacitly conveyed or if arraignment impliedly waived. **R v Williams (Roy)** [1977] **1** 874, CA.
Direction to jury—
Attempt to obtain property by deception—Judge directing jury that if satisfied that facts alleged were proved accused was guilty of the attempt—Any reasonable jury concluding that facts proved established the attempt charged—Whether judge misdirected jury in not leaving them to decide whether facts proved amounted to the attempt—Whether misdirection vitiated trial. **Director of Public Prosecutions v Stonehouse** [1977] **2** 909, HL.
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Explanation of effect of order—Conditional discharge. *See* **Sentence** (Conditional discharge—Explanation of effect of order).
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Prosecution—
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CRIMINAL LIBEL
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Use of power to deprive subject of right conferred by statute—Effect of exercise of prerogative to nullify licence granted to subject under statute—Statute prescribing procedure and conditions for revocation of licence—Air carrier granted licence to operate scheduled air service to United States—Carrier designated under treaty with United States—Designation enabling carrier to obtain necessary permit in United States—United Kingdom government subsequently revoking designation—Effect of revocation to nullify rights under licence—Whether revocation valid. **Laker Airways Ltd v Department of Trade** [1977] **2** 182, CA.
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Business premises—
Occupation by Crown—Premises leased to Secretary of State on behalf of Crown—Prohibition on increase in rate of rent. *See* **Landlord and tenant** (Rent—Limitation—Prohibition on increase in rate of rent—Business premises—Premises occupied by person for the purposes of a business carried on by him—Tenant of premises—Premises leased to Secretary of State on behalf of Crown).
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CROWN COURT (cont)
Costs (cont)—
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Legal aid. *See* **Legal aid** (Taxation of costs—Criminal proceedings—Crown Court).
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Indorsement on indictment as to sentence—Indorsement representing order of court. **R v Mitchell** [1977] **2** 168, CA.

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Appraisement and sale of ship—
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Parent having custody—Application for adoption by parent and step—parent of child. *See* **Adoption** (Application—Married couple—Parent and step—parent of child—Parent having custody of child).
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Divorce proceedings. *See* **Divorce** (Custody).
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CUSTOMS AND EXCISE
Dealing with goods chargeable to duty which has not been paid—
Duty paid by importer after assessment by customs officer—
Assessment substantially below market value—Importer knowing of but not inducing undervaluation—Whether importer liable to pay additional duty on goods—Whether importer 'dealing with any goods...which are chargeable with a duty which has not been paid'—Customs and Excise Act 1952, s 304(*a*). **Customs and Excise Commissioners v Tan** [1977] **1** 432, HL.
Duties—
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Goods intended for export—
Excise duty exacted because goods missing in United Kingdom—
Carriers' liability to pay compensation for loss of goods—Value of goods at place and time at which accepted for carriage—Whether value including excise duty. *See* **Carriers** (Contract—Carriage of goods—Compensation for loss of goods—Charges incurred in respect of the carriage of the goods—Goods intended for export—Goods lost in England due to carriers' negligence—Excise duty exacted from sellers because goods missing in England).
Importation of prohibited goods—
Interrogation of suspect by customs officers—
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Uncustomed goods—
Enforcement of policy contrary to public policy. *See* **Insurance** (Illegality—Enforcement of policy contrary to public policy—Uncustomed goods).

DAMAGE
Cargo. *See* **Shipping** (Cargo—Loss or damage).
Criminal. *See* **Criminal law** (Damage to property).
Dangerous animal—
Liability for damage caused by animal. *See* **Animal** (Dangerous animal—Liability for damage).
Negligence—
Limitation of action—
Accrual of cause of action. *See* **Limitation of action** (When time begins to run—Actions of tort—Accrual of cause of action—Negligence—Damage).

DAMAGES
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Foreign currency—
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Generally. *See* **Contract** (Damages for breach).
Sale of land. *See* **Sale of land** (Damages for breach of contract).
Carriage of goods by road—
Loss or damage to goods. *See* **Carriers** (Loss or damage to goods).
Fatal accident. *See* **Fatal accident** (Damages).

DAMAGES (cont)
Foreign currency—
Arbitration award. *See* **Arbitration** (Award—Foreign currency—Damages).
Breach of contract—
Jurisdiction to order payment of sum expressed in foreign currency. *See* **Judgment** Foreign currency—Jurisdiction to order payment of sum expressed in foreign currency—Damages for breach of contract).
Jurisdiction to order payment of sum expressed in foreign currency—
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Gaming—
Recovery of money won on a wager—
Action for damages for breach of contract of service. *See* **Gaming** (Debt—Recovery of money won on a wager—Damages for breach of contract of service).
Interest. *See* **Interest** (Damages).
Land—
Measure of damages for injury to land—
Breach of contract. *See* **Contract** (Damages for breach—Injury to land).
Cost of reinstatement of diminution in market value—Plaintiff in possession having full ownership—Requirement that damages should be reasonable as between plaintiff and defendant—Cost of restoring premises to former condition greatly exceeding diminution in market value—Disused billiard hall destroyed by fire—Fire caused by defendant's negligence—Billiard hall having no prospect of being used or occupied in its existing condition—Property having development potential and retained by plaintiffs as investment—Whether plaintiffs entitled to claim damages representing cost of reinstatement or limited to damages representing diminution in market value. **C R Taylor (Wholesale) Ltd v Hepworths Ltd** [1977] **2** 784, QBD.
Measure of damages—
Negligence—
Damage to building—Damage resulting from hidden defects—Inadequate foundations—Failure to comply with building byelaws—Purpose of byelaws to prevent danger to health and safety of occupants—Recoverable damages including amount of expenditure necessary to restore building to condition in which it is no longer a danger to health and safety of occupants. **Anns v London Borough of Merton** [1977] **2** 492, HL.
Personal injury—
Loss of amenities of life—
Interest on sum awarded for loss of amenities. *See* **Interest** (Damages—Personal injury—Pain, suffering and loss of amenities).
Loss of earning capacity—
Circumstances in which award will be made where plaintiff in employment at date of trial—Risk of loss of employment before estimated end of working life—Need to establish that risk real or substantial. **Moeliker v A Reyrolle and Co Ltd** [1977] **1** 9, CA.
Principles governing assessment of damages—Plaintiff in employment at date of trial—Assessment and quantification of risk of loss of employment and effect of injury on chances of obtaining further employment in that event. **Moeliker v A Reyrolle and Co Ltd** [1977] **1** 9, CA.
Loss of enjoyment of holiday—
Car accident occurring on holiday—Loss of enjoyment of holiday reasonably foreseeable—Loss recoverable as part of general damages and not as separate head of damage reasonably foreseeable. **Ichard v Frangoulis** [1977] **2** 461, QBD.
Pain and suffering—
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Sale of land—
Breach of contract. *See* **Sale of land** (Damages for breach of contract).
Specific performance—
Damages in substitution for specific performance. *See* **Specific performance** (Damages in substitution for specific performance).

DANGEROUS ANIMAL
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DANGEROUS DRUGS
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DANGEROUS MACHINERY
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Continuity of employment. *See* **Employment** (Continuity—Death of employer).
Estate duty. *See* **Estate duty**.

DEATH DUTY
Estate duty. *See* **Estate duty**.

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DECEPTION
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DECISION
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Divorce proceedings—
Declaration that party unfit to have custody of child. *See* **Divorce** (Custody—Declaration that party to marriage unfit to have custody of child).
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Matter not argued before court—
Chancery Division—Issue raised in pleadings admitted by both parties—Whether court should grant declaration on issue admitted by defendant and not argued out before court. **Metzger v Department of Health and Social Security** [1977] **3** 444, ChD.
Public right—
Refusal of Attorney-General of consent to relator action—
Right of member of public to sue in own name. *See* **Attorney-General** (Relator action—Refusal of consent to relator action—Right of member of public to sue in own name—Claim for declaration or injunction).
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Income tax—
Deduction in computing profits. *See* **Income tax** (Deduction in computing profits).

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Change of surname. *See* **Minor** (Change of surname—Deed poll).

DEFAMATION
Generally. *See* **Libel and slander.**

DEFENCE
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Interlocutory injunction. *See* **Injunction** (Interlocutory—Danger that defendant may transfer assets out of jurisdiction).

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Construction—
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DEMURRAGE
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DEPORTATION
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DEVELOPMENT
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Capital gains tax—
Sale of land reflecting development value—Land held on 6th April 1965—Computation of chargeable gain. *See* **Capital gains tax** (Computation of chargeable gains—Asset held on 6th April 1965—Land—Sale reflecting development value).

DEVELOPMENT (cont)
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DIRECTION
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Criminal trial. *See* **Criminal law** (Trial—Direction to jury).

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Compensation for loss of office. *See* **Company** (Director—Compensation for loss of office—Disclosure to and approved by company).
Confidential information—
Breach of confidence—
Public interest in disclosure. *See* **Equity** (Breach of confidence—Defence—Public interest in disclosure).
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Public interest. *See* **Discovery** (Production of documents—Confidence—Implied undertaking—Public interest in disclosure of information).

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Privilege—
Production contrary to public interest—
Persons entitled to resist discovery on ground of public interest—Bodies other than central departments of government—Society incorporated by royal charter for protection of children—Society having limited statutory power—Confidential information—Information solicited from members of the public under promise of confidentiality—Society authorised by Secretary of State to bring care proceedings in juvenile courts—Society not under any duty to bring proceedings—Proceedings against society—Documents relating to identity of informant—Whether privileged from discovery on ground of public interest—Whether privilege on ground of public interest confined to departments of central government. **D v National Society for the Prevention of Cruelty to Children** [1977] **1** 589, HL.
Self—incrimination. *See* **Evidence** (Privilege—Incrimination of witness or spouse).
Production of documents—
Confidence—
Implied undertaking—Public interest in disclosure of information—Implied undertaking by party obtaining discovery not to use documents for ulterior purpose—Document disclosed to plaintiff in one action—Plaintiff subsequently bringing action based on document disclosed in first action—Whether use of document in second action abuse of process of court—Whether use of document should be restrained. **Riddick v Thames Board Mills Ltd** [1977] **3** 677, CA.
Foreign tribunal—
Examination of witness in relation to matters pending before foreign tribunal. *See* **Evidence** (Foreign tribunal—Examination of witness in relation to matters pending before foreign tribunal—Production of documents).
Privilege—
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Self—incrimination. *See* **Evidence** (Privilege—Incrimination of witness or spouse).

DISCRETION
Costs—
County court. *See* **County court** (Costs—Discretion).
Order for costs. *See* **Costs** (Order for costs—Discretion).
Court—
Statutory provision affecting exercise of discretion—
Statutory provision not yet brought into force. *See* **Statute** (Commencement—Act coming into force on date subsequent to its enactment—Discretionary power of court—Statutory provision affecting exercise of discretion).
Criminal libel—
Leave to commence proceedings. *See* **Libel and slander** (Criminal libel—Leave to commence proceedings—Discretion of judge).

DISCRETION (cont)
Dismissal of action for want of prosecution. *See* **Practice** (Dismissal of action for want of prosecution).
Payment into court—
Withdrawal of payment in. *See* **Practice** (Payment into court—Withdrawal of payment in—Discretion of court to allow withdrawal).
Subpoena ad testificandum—
Discretion to refuse issue. *See* **Practice** (Subpoena ad testificandum—Issue—Discretion to refuse issue).
Witness—
Criminal proceedings—
Prosecution witnesses—Witnesses whose statements are tendered in committal proceedings—Discretion of Crown not to call witnesses. *See* **Criminal law** (Trial—Prosecution—Witnesses—Witnesses whose statements are tendered in committal proceedings—Discretion of Crown not to call witnesses).

DISCRIMINATION
Men and women—
Employment—
Discrimination against a woman. *See* **Employment** (Discrimination against a woman).
Equality of treatment. *See* **Employment** (Equality of treatment for men and women).

DISMISSAL
Action—
Abuse of process of court. *See* **Action** (Dismissal—Abuse of process of court).
Want of prosecution—
Practice. *See* **Practice** (Dismissal of action for want of prosecution).
Employment—
Constructive dismissal—
Unfair dismissal. *See* **Unfair dismissal** (Constructive dismissal).
Trade union official—
Natural justice. *See* **Natural justice** (Trade union—Dismissal of union official from office).
Unfair dismissal. *See* **Unfair dismissal**.

DISPLAY
Notice—
Gaming—
Licensing of premises—Notice advertising making of application for licence—Display of notice. *See* **Gaming** (Licensing of premises—Application for licence—Notice advertising making of application—Display of notice).

DISPOSAL OF ASSETS
Capital gains tax. *See* **Capital gains tax** (Disposal of assets).

DISTRESS
Company—
Winding-up—
Stay or restraint of distress proceedings—Distress levied by landlord against company before commencement of winding-up. *See* **Company** (Winding-up—Stay or restraint of proceedings against company—Distress levied by landlord against company before commencement of winding-up).
Rates. *See* **Rates** (Distress for rates).

DISTRIBUTOR
Magazines—
Libel—
Innocent dissemination—Absence of prior knowledge of libel. *See* **Libel and slander** (Publication—Innocent dissemination of libel—Absence of prior knowledge of libel—Distributor of magazines).

DISTRICT REGISTRAR
Funds in court—
Holding by Public Trustee out of court—
Minors' funds—Direction by court—Powers extended to district registrars. *See* **Practice** (Funds in court—Funds exceeding £7,500—Holding by Public Trustee out of court—Direction by court—Minors' funds—Powers of court extended to district registrars).

DIVISIONAL COURT
Discharge of fugitive offender—
Appeal—
Decision of Divisional Court that unjust or oppressive to return fugitive. *See* **Extradition** (Discharge of fugitive—Appeal—Decision of Divisional Court that unjust or oppressive to return fugitive).

DIVORCE
Chambers—
Hearing in chambers or open court. *See* Practice—Hearing—Chambers or open court, *post*.
Costs—
Interest on costs—
County court proceedings—Proceedings taking place partly in county court and partly in High Court—All costs taxed together—Whether interest payable on costs incurred in county court—Judgments Act 1838, s 17. **K v K (divorce costs : interest)** [1977] **1** 576, CA.
Date from which interest payable—Order that husband pay wife her taxed costs—Whether interest payable from date of order for costs or from date of taxation certificate—Judgments Act 1838, ss 17, 18. **K v K (divorce costs : interest)** [1977] **1** 576, CA.

DIVORCE (cont)
Custody—
Access—
Application to registrar. *See* Custody—Application—Applications which may be made to registrar, *post*.
Application—
Applications which may be made to registrar—Access—Issue as to extent of access—Application for order relating to custody or education of child where terms agreed between parties—Application for access where other party consents to access and only issue is extent of the access—Such applications to be made in first instance to registrar unless exceptional circumstances make it desirable to apply to a judge—Matrimonial Causes Rules 1977 (SI 1977 No 344), r 92(2). **Practice Direction** [1977] **3** 944, FamD.
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Time when declaration to be made—Declaration required to be made before decree absolute pronounced—Matrimonial Causes Act 1973, s 42(3). **Buckley v Buckley** [1977] **3** 544, FamD.
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Declaration that party to marriage unfit to have custody of child—
Declaration before decree made absolute. *See* Custody—Declaration that party to marriage unfit to have custody of child—Time when declaration to be made, *ante*.
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Special order reducing period fixed by general order—Applications in undefended special procedure cases—Applications in other cases. **Practice Direction** [1977] **2** 714, FamD.
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Bar to decree based on adultery. *See* Irretrievable breakdown of marriage—Adultery—Cohabitation after adultery becoming known to petitioner a bar to decree—Cohabitation after decree nisi, *post*.
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Remarriage of party—Party not entitled to apply for order after remarriage—Application to vary agreement made before decree nisi—Wife's remarriage dissolved—Whether wife entitled to apply for amendment of agreement to make provision for lump sum—Matrimonial Causes Act 1973, s 35(1)(2). **Pace (formerly Doe) v Doe** [1977] **1** 176, FamD.
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Duty of court to have regard to conduct—Circumstances in which regard to be had to conduct—Allegations as to conduct made after lapse of many years—Investigations of allegations lengthy and costly—Whether court justified in refusing to have regard to conduct—Matrimonial Causes Act 1973, s 25. **Campbell v Campbell** [1977] **1** 1, FamD.
Duty of court to have regard to conduct—Circumstances in which regard should be had to conduct—Conduct obvious and gross—Gross conduct—Gross conduct not meaning gross in moral sense but merely that conduct of great importance in relation to marriage—Wife from outset of marriage unreasonably refusing to cohabit with husband in house purchased by him as matrimonial home—Wife and children living with wife's parents—Wife's refusal to cohabit due to personality defect—Whether wife's conduct obvious and gross—Whether conduct justified reduction in her financial provision. **West v West** [1977] **2** 705, CA.
Duty of court to have regard to conduct—Conduct affecting duration of marriage—Contribution made by party to looking after home—Wife from outset of marriage unreasonably refusing to cohabit with husband in home purchased by him as matrimonial home—Refusal to cohabit due to wife's personality defect—Wife and children living at wife's parents' home—Wife's conduct affecting duration of marriage—Wife not contributing to home purchased by husband—Whether wife's conduct justified reduction in her financial provision—Matrimonial Causes Act 1973, s 25(1)(*d*),(*f*). **West v West** [1977] **2** 705, CA.
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Effect of order sought—Tax—Calculations showing real position of each party after tax—Duty of counsel to work out effect of his proposals. **S v S** [1977] **1** 56, CA.
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Conveyance with intent to avoid potential debt—Extinguishment of claim in ancillary proceedings by death before debt established. *See* **Fraudulent conveyance** (Conveyance of property with intent to defraud creditors—Potential creditor—Person having claim against grantor liable to give rise to future debt—Extinguishment of claim by death of grantor before debt established—Husband and wife—Matrimonial proceedings).

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Financial provision (cont)—
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Application to vary agreement—Agreement whereby husband to make periodical payments to wife and repay mortgage—Wife remarrying and periodical payments ceasing—Husband continuing to make mortgage payments—Wife's remarriage dissolved—Wife applying to vary agreement to make financial provision for her—Husband repaying mortgage loan—Whether agreement 'subsisting'—Whether court having jurisdiction to vary agreement—Matrimonial Causes Act 1973, s 35(1). **Pace (formerly Doe) v Doe** [1977] **1** 176, FamD.
Matters to be considered by court when making order—
Duration of marriage—Premarital cohabitation—Parties living together for three and a half years before marrying—Marriage lasting two years—Whether consideration to be given to total period of cohabitation—Whether marriage a 'short marriage'—Matrimonial Causes Act 1973, s 25. **Campbell v Campbell** [1977] **1** 1, FamD.
Duty to place parties in financial position in which they would have been in absence of breakdown—Allocation of family assets—Matrimonial home only asset—Equity in matrimonial home owned by parties jointly—No children—Husband living with party cited in secure accommodation—Wife living in matrimonial home but applying for council accommodation—Both parties employed—Whether immediate sale of matrimonial home should be ordered—Whether reliance on rehousing of wife in council accommodation against public policy—Matrimonial Causes Act 1973, s 25(1)(*a*)(*b*). **Martin v Martin** [1977] **3** 762, CA.
Financial needs, obligations and responsibilities of parties—Wife's primary need a house—Settlement on wife until death or earlier remarriage—Parties marrying when both aged over 50—Wife selling house on marriage and giving proceeds to dependant—Parties living in husband's home—Marriage breaking down after two years—Husband remaining in home—Means of providing home for wife—Settlement of lump sum on wife until death or remarriage to enable her to buy home. **S v S** [1977] **1** 56, CA.
Periodical payments—
Assessment of joint income of husband and wife—Application of one-third rule—Gross income of wife to be added to husband's gross income in assessing joint income—Contributions to household expenses of adult children living with husband—Contributions not to be treated as part of husband's gross income—Contributions a factor in considering whether wife entitled to more than one- third of parties' joint gross income—Additional earnings of husband—Payment in goods for part-time work—Whether estimate of value of goods to be grossed up in assessing husband's gross income—Matrimonial Causes Act 1973, s 23(1). **Rodewald v Rodewald** [1977] **2** 609, CA.
Calculation—Amount payable to wife—Expenses to be deducted from husband's income—Application of 'one-third' rule—Husband having remarried—New wife working—Whether new wife's earnings, gross or net, to be included in husband's income—Whether account to be taken of new wife's contribution towards her keep. **Campbell v Campbell** [1977] **1** 1, FamD.
Calculation—Short marriage—Whether appropriate to vary one-third rule and award smaller fraction of parties' total income. **S v S** [1977] **1** 56, CA.
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Discretion to refuse issue—Oppression. *See* **Practice** (Subpoena ad testificandum—Issue—Discretion to refuse issue—Oppression—Application for financial provision in divorce proceedings).
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Need for court to know in advance position of each party after tax paid—Duty of parties to work out tax position on various assumptions to be canvassed in the court. **Lewis v Lewis** [1977] **3** 992, CA.
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Matters to be considered—Change in means of parties since original order made—Means of parties at date of application for variation heard—Whether court confined to looking at changes in means of parties since original order made—Whether court entitled to approach matter as if fixing payments de novo—Matrimonial Causes Act 1973, s 31. **Lewis v Lewis** [1977] **3** 992, CA.
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Adultery—
Cohabitation after adultery becoming known to petitioner a bar to decree—Cohabitation after decree nisi—Wife granted decree nisi on basis of husband's adultery—Parties resuming cohabitation after decree nisi—Application by wife for order making decree absolute—Whether cohabitation precluding wife from applying for order—Matrimonial Causes Act 1973, ss 1(5), 2(1). **Biggs v Biggs and Wheatley** [1977] **1** 20, FamD.
Evidence that marriage has broken down irretrievably—
Events after grant of decree nisi—Cohabitation—Parties resuming cohabitation after decree nisi—Wife applying for order making decree absolute—Whether open to court to rescind decree nisi on ground marriage has not broken down irretrievably—Matrimonial Causes Act 1973, s 1(2)(*a*). **Biggs v Biggs and Wheatley** [1977] **1** 20, FamD.
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Particularity—Petition alleging respondent has behaved in such a way that petitioner cannot reasonably be expected to live with him—Petition giving particulars of behaviour—Answer containing bare denial of allegations in petition—Whether respondent required to plead more than a bare denial of allegations—Whether answer to be struck out for want of particularity—Matrimonial Causes Act 1973, s 1(2)(*b*)—Matrimonial Causes Rules 1973 (SI 1973 No 2016), r 21(1). **Haque v Haque** [1977] **3** 667, FamD.
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Declaration that party to marriage unfit to have custody of child. *See* Custody—Declaration that party to marriage unfit to have custody of child, *ante*.
Hearing—
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Petition—Form of petition—Statement as to arrangements for children—Reconciliation certificate—Affidavit of means—Service of petition—Matrimonial Causes Rules 1973 (SI 1973 No 2016), rr 8(2)(3), 9, 12(3), 14, 33(3)(*i*). **Practice Direction** [1977] **1** 845, FamD.
Special procedure—Trial—Directions for trial—Disposal of cause—Matrimonial Causes Rules 1973 (SI 1973 No 2016), rr 33(3), 48(1). **Practice Direction** [1977] **1** 845, FamD.
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Adjustment order—
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Transfer of property—Local authority tenancy—Condition of tenancy prohibiting assignment without permission of authority—Application by wife for order transferring tenancy to her—Authority indicating they would be unlikely to implement transfer order—No children to be considered—Merits as between husband and wife equal—Whether court should make transfer order—Matrimonial Causes Act 1973, s 24(1). **Regan v Regan** [1977] **1** 428, FamD.
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What constitutes cannabis—Flowering or fruiting tops of cannabis plant—Parts not containing cannabis resin—Clean seeds—Clean seeds part of fruiting tops but not containing cannabis resin—Misuse of Drugs Act 1971, s 37(1). **R v Mitchell** [1977] **2** 168, CA.

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Faculty authorising erection of mural tablet—Special privilege granted only in exceptional cases—Need for petitioner to prove person to be commemorated had rendered outstanding service to church or community—Membership of particular family conveying no automatic entitlement to faculty—Factors to be considered by court in exercising its discretion. **Re St Nicholas, Brockenhurst** [1977] **3** 1027, Con Ct.

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Continuing act—Commencement of statute making discrimination unlawful—Appointment of man to post instead of complainant—Appointment made before coming into force of statute—Man remaining in post after statute in force—Whether act of discrimination continuing after statute in force—Whether tribunal having jurisdiction to consider complaint—Sex Discrimination Act 1975, s 6. **Amies v Inner London Education Authority** [1977] **2** 100, EAT.

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Modification of contract—Effect of modification—Equality of pay—Waitresses and waiter—Waitresses' contract modified to entitle them to same pay as waiter employed on like work—Waiter promoted—Whether tribunal entitled to limit award of increased pay to period on date on which waiter promoted—Equal Pay Act 1970, s 1(2)(*a*)(*i*)(as amended by the Sex Discrimination Act 1970, s 8(1)). **Sorbie v Trust Houses Forte Hotels Ltd** [1977] **2** 155, EAT.

Job evaluation study—

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Nature of evaluation study—Need to be thorough in analysis and capable of impartial application—Equal Pay Act 1970, s 1(5). **Eaton Ltd v Nuttall** [1977] **3** 1131, EAT.

Like work—

Correct approach to determination whether woman employed on like work with man—Man and woman doing similar work—Woman in superior position and responsible for man—Woman employed as community worker—Man employed as playleader—Necessary to distinguish between nature of work done and contract of employment and job description—Whether differences between what she did and what he did were of practical importance in relation to terms and conditions of employment—Whether fact that woman required to supervise and be responsible for man a factor to be considered—Equal Pay Act 1970, s 1(4). **Waddington v Leicester Council for Voluntary Services** [1977] **2** 633, EAT.

Degree of responsibility involved in work—Work of man and woman involving same functions—Financial consequences of error by man more serious than of error by woman—Relevance as a factor in determining whether employed on like work—Male and female production schedulers ordering materials—Woman responsible for ordering large number of inexpensive items—Man responsible for ordering smaller number of more expensive items—Whether fact that consequences of error by man more serious than of error by woman a relevant factor in determining whether they are employed on like work—Equal Pay Act 1970, s 1(4). **Eaton Ltd v Nuttall** [1977] **3** 1131, EAT.

Difference between things done not of practical importance in relation to terms and conditions of employment—Times of work—Men doing night-shift and Sunday work—Women prohibited by statute from doing night-work or Sunday work—Fact that work done at different times by men to be disregarded if that is the only difference between men and women employees—Nature of work done by men at the different times—Nature of work to be considered in determining if men and women employed on like work—Equal Pay Act 1970, s 1(4). **Dugdale v Kraft Foods Ltd** [1977] **1** 454, EAT.

Difference between things done not of practical importance in relation to terms and conditions of employment—Work of broadly similar nature—Differences preventing work from being 'like work'—Differences must be such that in practice they would be reflected in terms and conditions of employment—Equal Pay Act 1970, s 1(4). **Capper Pass Ltd v Lawton** [1977] **2** 11, EAT.

Employed on like work—Method of determining whether employed on like work—Requirement of contract of employment first consideration—When necessary to refer to work actually done by woman and man—Equal Pay Act 1970, s 1(2)(*a*)(as amended by the Sex Discrimination Act 1970, s 8(1). **Sorbie v Trust Houses Forte Hotels Ltd** [1977] **2** 155, EAT.

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Burden of proof—Woman establishing employment on like work with man in same employment and that paid less than man—Presumption that variation in pay due to difference of sex—Burden of proof on employer claiming that variation due to material difference other than sex—Remuneration fixed in accordance with employer's scheme for grading of jobs and personal assessment within grade—Mere proof of scheme not displacing presumption that variation in pay due to difference of sex—Duty of tribunal to inquire into circumstances of scheme to determine whether sex discrimination operative under scheme—Equal Pay Act 1970, s 1(2)(3) (as amended by the Sex Discrimination Act 1975, s 8(1). **National Vulcan Engineering Insurance Group Ltd v Wade** [1977] **3** 634, EAT.
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Correct approach to determination whether variation due to a difference other than sex—Relevance of EEC Treaty provisions—Practice of 'red circling' employees to protect wages—'Red circling' of men in all—male grade of wage scale—'Red circling' for purpose of preserving status on downgrading of jobs—Women employed on like work excluded from 'red circling' because women graded separately from men—'Red circling' occurring prior to coming into force of equal pay legislation—Effect of earlier sex discrimination—Application by women for equal pay with 'red circled' men—Whether employers establishing that variation in pay due to difference other than sex—Whether current variation due to earlier sex discrimination—Equal Pay Act 1970, s 1(3) (as amended by the Sex Discrimination Act 1975, s 8(1)). **Snoxell v Vauxhall Motors Ltd** [1977] **3** 770, EAT.
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Material difference—Hours of employment—Different places of work—Men employed in London working shorter hours than woman employed in like work outside London—Custom that London employees work shorter hours—Whether variation in working hours genuinely due to a material difference—Equal Pay Act 1970, s 1(3)(as amended by the Sex Discrimination Act 1970, s 8(1)). **Navy, Army and Air Force Institutes** [1977] **1** 840, EAT.
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EQUALITY
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Belief that evidence would expose witness to proceedings for offence or recovery of penalty—Reasonable ground for belief—Sufficient to show real and appreciable risk that proceedings would be taken or increase of an existing risk of proceedings—Discovery of documents—Production of documents by company sought by party to American proceedings for use as evidence in those proceedings—Documents disclosing that company was a member of an international cartel—Cartels prohibited under EEC law—European Commission having power to impose fine for breach of prohibition—Commission aware for five years of existence of cartel but no action taken by commission—Whether production of documents would tend to expose company to risk of proceedings for recovery of a fine—Whether company having reasonable ground for belief in risk of proceedings—Whether company entitled to claim privilege from production of documents—Civil Evidence Act 1968, s 14(1)—Evidence (Proceedings in Other Jurisdictions) Act 1975, s 3(1)—EEC Treaty, art 85—EEC Council Regulation 17/62, art 15(2). **Re Westinghouse Electric Corpn Uranium Litigation MDL Docket No 235 (No 2)** [1977] **3** 717, CA.
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HOUSEHOLD
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House occupied by persons who do not form a single household. *See* **Housing** (House in multiple occupation—House occupied by persons who do not form a single household).

HOUSEKEEPING SERVICES
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Damages for loss of housekeeping services. *See* **Fatal accident** (Damages—Death of wife—Loss of housekeeping services).

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Property to be acquired—
Ancillary rights over adjoining land—Rights not in existence at date of compulsory purchase order—Power of local authority to compel grant of rights—Easements and quasi-easement necessary for enjoyment of property being acquired—Acquisition of block of residential maisonettes forming part of complex of buildings in single ownership—Complex in single ownership at date of order—Block of maisonettes above ground level—Maisonettes incapable of being used as dwellings without acquisition of ancillary rights of access etc—Whether local authority having power to acquire ancillary rights—Housing Act 1957, ss 96, 97(1), 189(1). **Sovmots Investments Ltd v Secretary of State for the Environment** [1977] **2** 385, HL.
Description of land in compulsory purchase order—Ancillary rights over adjoining land—Rights necessary for enjoyment of property being acquired—Rights not in existence at date of order—Rights not expressly included in order—Whether rights included in order by implication—Whether order valid. **Sovmots Investments Ltd v Secretary of State for the Environment** [1977] **2** 385, HL.
House in multiple occupation—
House occupied by persons who do not form a single household—
Household—Facts relevant in determining whether house occupied as single household—House maintained as a temporary refuge for women ill-treated by husbands—Population of house a large and fluctuating body—Occupants of house living communally—Whether occupants forming a 'single household'—housing Act 1969, s 58(1). **Simmons v Pizzey** [1977] **2** 432, HL.
Overcrowding. *See* Overcrowding, *post*.
Local authority houses—
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Overcrowding—
Directions to prevent or reduce overcrowding in houses in multiple occupation—
Direction by local authority limiting number of occupants in house—House not in multiple occupation at date when direction given—Whether direction valid—Housing Act 1961, ss 15(1), 19(1). **Simmons v Pizzey** [1977] **2** 432, HL.
Direction for the purpose of remedying a state of affairs calling for the service of a notice requiring execution of works by limiting number of occupants—Number of occupants less than prescribed limit at date when directions given—Whether direction valid—Housing Act 1961, ss 15(1), 19(1). **Simmons v Pizzey** [1977] **2** 432, HL.
House in multiple occupation. *See* House in multiple occupation, *ante*.

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Child—
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Conduct—
Relevance in taking accounts on sale of home following breakdown of marriage. *See* Matrimonial home—Conduct of parties, *post*.

HUSBAND AND WIFE (cont)
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Matrimonial proceedings—
Conveyance with intent to avoid potential debt—Extinguishment of claim by death before debt established. *See* **Fraudulent conveyance** (Conveyance of property with intent to defraud creditors—Potential creditor—Person having claim against grantor liable to give rise to future debt—Extinguishment of claim by death of grantor before debt established—Husband and wife—Matrimonial proceedings).
Income tax. *See* **Income tax** (Husband and wife).
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Breach of injunction—
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Ex parte injunction. *See* **Injunction** (Ex parte injunction—Matrimonial proceedings).
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Form of petition—
Standard form—Matrimonial Causes Rules 1973 (SI 1973 No 2016), r 9. **Practice Direction** [1977] **1** 845, FamD.
Undefended cause—
Special procedure—Trial—Directions for trial—Disposal of cause—Matrimonial Causes Rules 1973 (SI 1973 No 2016), rr 33(3), 48(1). **Practice Direction** [1977] **1** 845, FamD.
Maintenance—
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Non-disclosure of material fact—Wife concealing intention to remarry following divorce—Right to rescind agreement—Contract uberrima fides—Wife's maintenance—Parties agreeing that husband should pay lump sum in full settlement of wife's claim to maintenance—Neither party disclosing means—Affidavit of means not yet filed—Whether wife under duty to disclose intention to remarry—Whether agreement a contract uberrima fides—Whether husband entitled to rescission of agreement. **Wales v Wadham** [1977] **2** 125, FamD.
Amount—
One—third rule—Neither party earning—One—third approach inappropriate—Duty of court to look at each party's needs and see what can best be done in the circumstances. **Cann v Cann** [1977] **3** 957, FamD.
Resources of party—Capital sum—Method of taking account of capital sum—Calculation of annuity obtainable from that sum—Application of annuity toward supplementing order. **Cann v Cann** [1977] **3** 957, FamD.
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Matrimonial home—
Conduct of parties—
Relevance in taking accounts on sale of home following breakdown of marriage—Purchase in joint names on trust for sale—Mortgage in joint names—Wife leaving and subsequently proving cruelty and constructive desertion against husband—Husband remaining in property and paying all mortgage instalments—Wife seeking sale and division of property equally between husband and herself—Whether wife entitled to plead husband's matrimonial conduct as bar to his right to claim credit for mortgage repayments made by him subsequent to her leaving—Married Women's Property Act 1882, s 17. **Shinh v Shinh** [1977] **1** 97, ChD.
Mortgage repayments—
Interest payments—Home owned beneficially in equal shares—Wife leaving home—Husband remaining in home and thereafter making mortgage repayments—Repayments consisting mainly of interest payments on outstanding mortgage debt—Wife applying for sale of home and her half share of the proceeds—Whether husband entitled to credit for interest payments. **Suttill v Graham** [1977] **3** 1117, CA.
Sale under trust for sale—
Bankruptcy—Husband and wife joint tenants—Interests of children as a relevant consideration. *See* **Bankruptcy** (Property available for distribution—Matrimonial home—Sale under trust for sale).
Divorce—Factors to be taken into account—Needs of family—Need to provide home for remaining partner and children—Husband and wife joint tenants and beneficially entitled to equal shares—Wife and children remaining in home after divorce—Husband's sole capital tied up in home—Application by husband for sale of property—Duty of court to have regard to principles of matrimonial property legislation in determining whether to make order—Law of Property Act 1925, s 30. **Williams v Williams** [1977] **1** 28, CA.
Matrimonial order—
Appeal to High Court against order of magistrates—
Procedure—Form of notice of appeal—Certification whether other matrimonial proceedings pending between same parties—Documents required to be lodged in Principal Registry—RSC Ord 90, r 16. **Practice Direction** [1977] **2** 543, FamD.
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Change in circumstances—
Duty of court to have regard to evidence before justices on previous occasions—Husband having retired from employment—Neither party earning—Duty of court to assess financial situation at time of hearing application but to have regard to evidence before court on previous occasions. **Cann v Cann** [1977] **3** 957, FamD.
Variation or discharge of maintenance order—
Variation of order registered in magistrates' court—
Power to fix maintenance de novo—Mistake by original court—Mistake in assessing husband's ability to pay amount of order—Effect of original order to depress husband below subsistence level—No change in husband's net income at date of application to vary—Wife receiving social security benefit—Contribution husband required to pay by Supplementary Benefits Commission factor to be considered in fixing maintenance—Whether magistrates' court having power to fix maintenance de novo—Maintenance Orders Act 1958, s 4(2)(*a*). **Smethurst v Smethurst** [1977] **3** 1110, FamD.

IDENTITY
Defamation cases—
Persons to whom publication made—
Innuendo—Persons having knowledge of facts rendering published words defamatory—Duty to plead particulars identifying those persons. *See* **Libel and slander** (Innuendo—Particulars—Duty of plaintiff to plead facts on which he relies for his claim—Identity of persons to whom publication made and who have knowledge of special facts which render published words defamatory).

IDENTITY CARD
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Sale of card for purpose of scheme—
Value added tax—Zero-rating—Transport of passengers. *See* **Value added tax** (Zero-rating—Transport of passengers—Supply of travel concession voucher—Student travel scheme—Sale of identity card for purpose of scheme).

ILLEGAL ENTRANT
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ILLEGALITY
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Whereabouts of person entitled to appeal unknown to authorities—Regulation providing that written notice need not be given to persons whose whereabouts are unknown—Whether regulation ultra vires—Immigration Act 1971, s 18(1)(*a*)—Immigration Appeals (Notices) Regulations 1972 (SI 1972 No 1683), r 3(4). **R v Immigration Appeal Tribunal, ex parte Mehmet** [1977] **2** 602, QBD.
Deporation—
Alien. *See* **Alien** (Deportation).
Detention—
Illegal entrant—
Entry in breach of immigration laws—Entrant not knowingly in breach of immigration laws—Leave to enter given on basis of false passport—Passport obtained for entrant by husband—Passport that of husband's second wife—Entrant, his third wife, illiterate and believing passport her own—Whether entrant an illegal entrant where ignorant that document on which leave based was false—Whether illegal entrant if leave to enter in fact given—Immigration Act 1971, ss 3(1)(*a*), 33(1). **Khan v Secretary of State for the Home Department** [1977] **3** 538, CA.
Leave—
Indefinite leave—
Entrant deemed to have indefinite leave of notice giving or refusing leave not given within prescribed period—Leave given which ought not to have been given—Leave to enter given on basis that passport valid—Passport stamped as valid—Immigration authority subsequently discovering passport false—Whether leave to enter given when passport stamped as valid—Whether leave a nullity—Whether notice giving or refusing leave not given—Whether entrant deemed to have indefinite leave to enter—Immigration Act 1971, Sch 2, para 6(1). **Khan v Secretary of State for the Home Department** [1977] **3** 538, CA.

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Immunity from suit—
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Gross indecency with child. *See* **Criminal law** (Gross indecency—Child—Inactivity on part of defendant).

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Generally. *See* **Criminal law** (Incitement).

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Divorce proceedings—
Periodical payments order—Assessment of joint income. *See* **Divorce** (Financial provision—Periodical payments—Assessment of joint income of husband and wife).

INCOME TAX
Allowances—
Capital allowances. *See* Capital allowances, *post*.
Annual payment—
Deduction of tax—
Payments not out of profits etc already taxed. *See* Annual payment—Payments not out of profits etc already taxed, *post*.
Payment out of profits etc already taxed—
Individual taxpayer—Onus of showing payment made out of taxed profits—Normally sufficient to show that in relevant year sufficient taxed profits in taxpayer's hands to entitle him to make deduction—Claim debarred only if possible to show an election by taxpayer that payments to be notionally attributed to capital rather than income—Income and Corporation Taxes Act 1970, s 52(1). **Inland Revenue Comrs v Plummer** [1977] **3** 1009, ChD.
Payments not out of profits already taxed—
Attribution by taxpayer to capital—Company incurring interest charges for purpose of its business—Interest payments charged to profit and loss account—Interest payments capitalised by transfer of equivalent sums to cost of land and buildings shown in balance sheet—Whether interest paid out of profits or gains brought into charge—Whether company liable to account for tax deducted from interest—Income Tax Act 1952, s 170. **Fitzleet Estates Ltd v Cherry (Inspector of Taxes)** [1977] **3** 996, HL.
Anticipated profits—
Discounting bills of exchange. *See* Computation of profits—Discounting bills of exchange—Anticipated profits, *ante*.
Appeal—
Settlement by agreement—
Agreement—Inspector agreeing settlement in principle—Apportionment of sum between capital gains tax and income tax—Taxpayer bringing actions for damages for breach of agreement to purchase shareholding and for compensation for loss of office—Actions settled by payment to taxpayer of single sum—Taxpayer proposing apportionment of sum between claims—Inspector of taxes agreeing apportionments in principle—No figures agreed—Inspector subsequently assessing entire sum to capital gains tax as award in respect of shares—Taxpayer claiming inspector bound by agreement in principle—Whether inspector and taxpayer having 'come to an agreement'—Taxes Management Act 1970, s 54(1). **Delbourgo v Field (Inspector of Taxes)** [1977] **1** 323, ChD.

INCOME TAX (cont)
Assessment—
Time limit—
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Avoidance—
Artificial transactions in land—
Acquisition of land with sole or main object of realising gain from disposal thereof—Person directly or indirectly providing opportunity of realising gain liable to tax on gain—Motive of person providing opportunity—Land owned by company controlled by English taxpayer—Land sold at full market value to Guernsey company controlled by him—Land subsequently sold to another company at a profit—Whether 'opportunity of realising gain provided directly or indirectly' by taxpayer—Whether motive of taxpayer to avoid United Kingdom tax on gain relevant in determining whether he has provided opportunity to realise gain—Whether taxpayer personally liable to tax on gain made by Guernsey company—Income and Corporation Taxes Act 1970, s 488(2)(3)(8). **Yuill v Wilson (Inspector of Taxes)** [1977] **3** 903, ChD.
Settlement—
Element of bounty—Bona fide commercial transaction—Tax avoidance scheme. *See* Settlement—Meaning—Element of bounty—Bona fide commercial transaction—Tax avoidance scheme, *post*.
Tax advantage. *See* Tax advantage, *post*.
Transfer of assets abroad—
Income payable to persons resident or domiciled out of United Kingdom—Persons resident out of United Kingdom—Settlement—Trustees—Transfer of assets to trustees resident out of United Kingdom to hold on discretionary trusts—Proper law of settlement law of Northern Ireland—Whether trustees 'persons resident out of United Kingdom'—Whether statutory provisions regarding tax avoidance applicable—Income Tax Act 1952, s 412, preamble. **Vestey v Inland Revenue Comrs** [1977] **3** 1073, ChD.
Prevention of avoidance of liability to tax—Income of transferee deemed to be income of transferor—Meaning of 'income'—Computation of income—Taxpayer resident in United Kingdom—Taxpayer transferring assets to investment company resident outside United Kingdom—Investment company incurring expenses of a revenue nature in managing portfolio—Whether management expenses deductible in computing income of company—Income Tax Act 1952, s 412(1). **Chetwode (Lord) v Inland Revenue Comrs** [1977] **1** 638, HL.
Receipt by United Kingdom resident of capital sum payment whereof connected with transfer or associated operation—Any income which by reason of transfer or associated operation income of transferee deemed to be income of recipient of capital sum—Any income—Settlement—Transfer of property to trustees abroad to hold on discretionary trusts—Investment of income from property to form capital fund—Income produced by investment of capital fund divided equally between two other funds—Accumulation and investment of income of each of those funds—Appointment of capital to beneficiary of one of those funds—Whether beneficiary chargeable to tax in respect of whole of income of settlement which had become payable to trustees thereafter—Income Tax Act 1952,s 412(2). **Vestey v Inland Revenue Comrs** [1977] **3** 1073, ChD.
Receipt by United Kingdom resident of capital sum payment whereof connected with transfer or associated operation—Any income which by reason of transfer or associated operation income of transferee deemed to be income of recipient of capital sum—Associated operation—Operation in relation to income arising from transferred assets or to assets representing the accumulations of income arising from such assets—Sub-accumulations—Capital sum paid out of accumulations of income of accumulations—Whether 'accumulations' including sub-accumulations of income—Whether payment 'connected with...associated operation'—Income Tax Act 1952, s 412(2)(4). **Vestey v Inland Revenue Comrs** [1977] **3** 1073, ChD.
Capital allowances—
Plant—
Books—Books purchased by barrister for purpose of carrying on his profession—Law reports and textbooks purchased by barrister in first year of practice—Whether 'plant' limited to things used simply as physical objects—Whether expenditure by barrister on purchase of books expenditure on provision of 'plant'—Finance Act 1971, ss 41(1), 47(1). **Munby v Furlong (Inspector of Taxes** [1977] **2** 953, CA.
Capital or income expenditure—
Deduction in computing profits. *See* Deduction in computing profits, *post*.
Child relief—
Entitlement—
Custody of child—Person other than parent having custody—Legal or factual custody—Wife leaving husband to live with another man—Children of marriage living with wife and man in man's house as a family—Man assuming responsibility for family and contributing to maintenance of children—Legal custody of children in wife—Husband also contributing to children's maintenance—Whether man had 'custody' of children—Whether entitled to claim child relief—Income and Corporation Taxes Act 1970, s 10(1)(*b*) (as amended by the Finance Act 1971, s 37, Sch 6, para 6(*a*). **Robertson v Walton** [1977] **1** 465, ChD.
Compensation—
Loss of office—
Emoluments from office or employment. *See* Emoluments from office or employment—Compensation—Loss of office, *post*.
Computation of profits—
Deductions. *See* Deduction in computing profits, *post*.

INCOME TAX (cont)

Computation of profits (cont)—

Discounting bills of exchange—

Anticipated profits—Increase in value of bills as maturity approaches—Apportioned part of increase for each year preceding maturity treated as profit attributable to that year—Bank discounting or purchasing discounted bills—Bills sold or held to maturity—Provision made in annual accounts including proportion of anticipated profits—Profits realised on sale or maturity—Whether proportion of profits anticipated on sale or maturity to be included in bank's taxable profits for accounting years preceding sale or maturity. **Willingale (Inspector of Taxes) v International Commercial Bank Ltd** [1977] **2** 618, CA.

Year in which profit arising—

Change in method of valuation of work in progress showing surplus representing anticipated profits of earlier years—Change from on-cost basis to accrued profit basis of valuation—Change in valuation resulting in surplus profit—Revaluation of work in progress at beginning of first accounting period in which accrued profit method applied—Whether resulting surplus chargeable to tax as profits arising in that accounting period—Income and Corporation Taxes Act 1970, s 247(1). **Pearce (Inspector of Taxes) v Woodall-Duckham Ltd** [1977] **1** 753, ChD.

Corporation tax—

Computation of profits. *See* Computation of profits, *ante*.

Deduction in computing profits—

Capital or revenue expenditure—

Payment to secure improvement in asset—Payment to secure modification of rent obligation in lease—Modification necessary to enable taxpayer to trade profitably—Modification resulting in reduction of revenue expenses—Whether capital or revenue expenditure. **Tucker (Inspector of Taxes) v Granada Motorway Services Ltd** [1977] **3** 865, ChD.

Discounting bills of exchange—

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Disposition—

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Element of bounty. *See* Settlement—Meaning—Element of bounty, *post*.

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Divorce proceedings—

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Tax implications. *See* **Divorce** (Financial provision—Tax implications).

Emoluments from office or employment—

Compensation—

Loss of office—(Exemption from tax—Contract not requiring holder of office to perform any duties in United Kingdom—Contract of employment with foreign company—Contract not stipulating where duties to be performed—Implication of term that duties not required to be performed in United Kingdom—Appointment as managing director of company carrying on business abroad—Performance of some duties in United Kingdom within three years of termination of contract—Whether exempt from tax only if express provision in contract that duties need not be performed in United Kingdom—Income and Corporation Taxes Act 1970, s 188(2)(*b*). **Wienand v Anderton (Inspector of Taxes)** [1977] **1** 384, ChD.

Gift—

Trading receipt. *See* Profits—Trading receipts—Voluntary payment, *post*

Husband and wife—

Collection from wife of tax assessed on husband and atrributable to wife's income—

Notice requiring wife to pay the tax she would have had to pay if separately assessed—Time limit—Assessment on husband in time—Non-payment by husband of surtax—Assessments to surtax made in 1962 and 1966—Death of husband—Notice served on wife in 1974 requiring her to pay that part of unpaid tax which would have been payable by her if she had been separately assessed—Whether notice raising new assessment on wife—Whether time limit for making assessments applicable to notice—Whether notice effective—Taxes Management Act 1970, s 34—Income and Corporation Taxes Act 1970, s 40(2). **Johnson v Inland Revenue Commissioners** [1977] **1** 390, ChD.

Divorce—

Financial provision—Tax implications. *See*

Loss of office—

Compensation—

Emoluments from office or employment. *See* Emoluments from office or employment—Compensation—Loss of office, *ante*.

Profits—

Annual payment—

Payment out of profits already taxed. *See* Annual payment—Payment out of profits etc already taxed, *ante*.

Payments not out of profits etc already taxed. *See* Annual payment—Payments not out of profits etc already taxed, *ante*.

Computation. *See* Computation of profits, *ante*.

INCOME TAX (cont)
Profits (cont)—
Trading receipts—
Voluntary payment—Payment attributable to specific work—Payment by third party—Third party under no legal or moral obligation to make payment—Taxpayer estate agent—Taxpayer retained by client to negotiate purchase of site for development—Taxpayer inadequately remunerated for work done in acquiring site for client—Custom whereby estate agents who had negotiated purchase of site retained to do more remunerative work of selling and letting property built on site—Site sold by client to third party before taxpayer having opportunity to do more remunerative work—Third party refusing to appoint taxpayer as selling agent—Ex gratia payment by third party as compensation for loss of opportunity to obtain additional remuneration—Whether payment chargeable to tax as trading receipt. **McGowan (Inspector of Taxes) v Brown and Cousins (trading as Stuart Edwards)** [1977] **3** 844, ChD.
Rate—
Surcharge on surtax rate for previous year—
Retrospective operation of statute. *See* Statute—Retrospective operation—Surcharge on surtax rate for previous year, *post*.
Relief—
Child. *See* Child relief, *ante*.
Residence—
Tax avoidance—
Transfer of assets abroad—Income payable to persons resident out of United Kingdom. *See* Avoidance—Transfer of assets abroad—Income payable to persons resident or domiciled out of United Kingdom, *ante*.
Settlement—
Meaning—
Element of bounty—Bona fide commercial transaction—Tax avoidance scheme—Transaction part of scheme—Disposition for good and sufficient consideration—Sale of annuity by surtax payer to charitable company—Transaction involving no element of bounty on either side—Whether a 'disposition' or 'settlement'—Income and Corporation Taxes Act 1970, ss 434, 454(3), 457(1). **Inland Revenue Comrs v Plummer** [1977] **3** 1009, ChD.
Revocable settlement—
Power to revoke—Release of power—Implied release. *See* **Power** (Implied release—Settlement—Power to revoke settlement).
Tax avoidance—
Transfer of assets abroad—Income payable to persons resident out of United Kingdom—Trustees of settlement. *See* Avoidance—Transfer of assets abroad—Income payable to persons resident or domiciled out of United Kingdom—Persons resident out of United Kingdom—Settlement—Trustees, *ante*.
Settlement of appeal by agreement. *See* Appeal—Settlement by agreement, *ante*.
Statute—
Retrospective operation—
Surcharge on surtax rate for previous year—Surcharge on assessment imposed retrospectively—Validity of surcharge—Finance Act 1974, s 8(2). **James v Inland Revenue Comrs** [1977] **2** 897, ChD.
Tax advantage—
Counteracting—
Appeal against notice—Statutory grounds of appeal—Taxpayer wishing to question notice on other grounds—Claim for declaratory relief—Notification by commissioners specifying transactions in question—Decision of tribunal that prima facie case for proceeding—Taxpayer claiming declarations in High Court that notification and decision void on ground commissioners' reasons for questioning transactions not disclosed to him—Whether taxpayer entitled to claim declarations—Whether taxpayer limited to statutory appeal procedure—Income and Corporation Taxes Act 1970, s 462(1). **Balen v Inland Revenue Comrs** [1977] **2** 406, ChD.
Commissioners' counter-statement—Validity—Counter-statement containing detailed analysis of events leading up to transactions in question and laying foundation of commissioners' case—Counter-statement not shown to taxpayer—Whether tribunal entitled to take counter-statement into consideration—Whether commissioners required to make known their case to taxpayer—Income and Corporation Taxes Act 1970, s 460(7)(*a*). **Balen v Inland Revenue Comrs** [1977] **2** 406, ChD.
Notice—Validity—Notification by commissioners specifying transactions in question—Reasons for questioning transactions not stated in notification—Whether commissioners required to make known their case to taxpayer—Whether notification void—Income and Corporation Taxes Act 1970, s 460(6). **Balen v Inland Revenue Comrs** [1977] **2** 406, ChD.
Time limit—
Assessment—
Notice requiring wife to pay the tax she would have had to pay if separately assessed—Tax assessed on husband and attributable to wife's income. *See* Husband and wife—Collection from wife of tax assessed on husband and attributable to wife's income—Notice requiring wife to pay the tax she would have had to pay if separately assessed—Time limit, *ante*.
Trading receipts. *See* Profits—Trading receipts, *ante*.
Work in progress—
Change in method of valuation—
Change showing surplus representing anticipated profits of earlier years—Year in which profit arising. *See* Computation of profits—Year in which profit arising—Change in method of valuation of work in progress showing surplus representing anticipated profits of earlier years, *ante*.

INCOME TAX (cont)
Year—
Profits—
Year in which profit arising—Computation of profits. *See* Computation of profits—Year in which profit arising, *ante*.

INCOMPLETE GIFT
Perfecting. *See* **Gift** (Incomplete gift—Perfecting gift).

INCRIMINATION
Witness—
Privilege against self-incrimination. *See* **Evidence** (Privilege—Incrimination of witness or spouse).

INDECENCY
Gross indecency. *See* **Criminal law** (Gross indecency).

INDECENT ASSAULT
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INDICTMENT
Duplicity—
Information in criminal proceedings before magistrates. *See* **Magistrates** (Information—Duplicity).
Handling stolen goods. *See* **Criminal law** (Handling stolen goods—Indictment).
Joinder of charges—
Conspiracy count and substantive counts—
Duty of prosecution to justify joinder of conspiracy count with substantive counts—Election to proceed with substantive or conspiracy counts required if joinder not justified. **Practice Note** [1977] **2** 540, QBD.
Offence triable summarily or on indictment—
Summary trial. *See* **Magistrates** (Summary trial—Offence triable summarily or on indictment).

INDUSTRIAL INJURY
Disablement benefit—
Accident arising out of and in course of employment—
Recreational activities—Employee expected to take part in activities but under no duty to do so—Police constable injured in football match—Constable representing his force in match—Match played during constable's off-duty time—Whether injury 'arising.. in the course of his employment'—Whether injury suffered whilst doing act reasonably incidental to his employment—National Insurance (Industrial Injuries) Act 1965, s 5(1). **R v National Insurance Comr, ex parte Michael** [1977] **2** 420, CA.

INDUSTRIAL RELATIONS
Code of Practice—
Unfair dismissal—
Determination whether dismissal fair or unfair. *See* **Unfair dismissal** (Determination whether dismissal fair or unfair—Code of Practice).

INDUSTRIAL TRIBUNAL
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Duty of landlord to keep in repair the structure and exterior of the dwelling-house—Particular part of building demised—Flat in block of flats—'Exterior' of flat—'Exterior' of flat including anything which in ordinary language was part of the exterior—Exterior not limited to parts included in demise—Outside walls of flat expressly excluded from demise—Outside walls part of exterior of flat—Other parts of structure included in 'exterior' of the flat—Housing Act 1961, s 32(1)(*a*). **Campden Hill Towers Ltd v Gardner** [1977] **1** 739, CA.

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Prohibition on increase in rate of rent—Business premises—Premises occupied by the tenant for the purposes of a business carried on by him—Premises leased to Secretary of State on behalf of Crown—Crown tenant of premises—Premises occupied by Crown servants in other government departments—Whether premises 'occupied' by Crown—Counter-Inflation (Business Rents) Order 1972 (SI 1972 No 1850), art 2(2). **Town Investments Ltd v Department of the Environment** [1977] **1** 813, HL.
Prohibition on increase in rate of rent—Business premises—Premises occupied by the tenant for the purposes of a business carried on by him—Tenant of premises—Premises leased to Secretary of State on behalf of Crown—Whether Secretary of State or Crown the tenant—Counter-Inflation (Business Rents) Order 1972 (SI 1972 No 1850), art 2(2). **Town Investments Ltd v Department of the Environment** [1977] **1** 813, HL.
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Reasonable rent—Improvements made to demised premises—Rent to be the higher of existing rent or a reasonable rent for the demised premises—Improvements made pursuant to landlord's licence and at tenant's expense—Improvements becoming part of demised premises—Whether improvements to be taken into account in assessing reasonable rent. **Ponsford v HMS Aerosols Ltd** [1977] **3** 651, CA.
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Duty of plaintiff to plead facts on which he relies for his claim—Identity of persons to whom publication made and who have knowledge of facts which render published words defamatory—Publication by newspaper—Usual practice not to plead particular acts of publication where words complained of published in newspaper—Ordinary reader of newspaper not deriving from published words imputation alleged by way of innuendo—Allegation that words having a defamatory meaning to persons having knowledge of special circumstances—Ordinary readers of newspaper unlikely to have knowledge of special circumstances pleaded by plaintiff in support of innuendo—Whether plaintiff required to give particulars identifying the readers of the newspaper with knowledge of the special circumstances—RSC Ord 18, r 7, Ord 82, r 3(1). **Fullam v Newcastle Chronicle and Journal Ltd** [1977] **3** 32, CA.
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Absence of prior knowledge of libel—Distributor of periodicals—Whether necessary to prove that distributor knew or ought to have known that particular issue of periodical contained a libel on the plaintiff which could not be justified or excused. **Goldsmith v Sperrings Ltd** [1977] **2** 566, CA.
Third party—
Master and servant—Publication by one employee of company to another—Action against company—Acts of employees treated as acts of company—Inter-departmental memorandum—Memorandum about one of company's employees dictated by another employee to his secretary—Memorandum containing defamatory words—Memorandum received and read by another employee—Whether memorandum published by company. **Riddick v Thames Board Mills Ltd** [1977] **3** 677, CA.
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Possession by defendant not inconveniencing owner—Derelict land—Owner not intending to use land for any special purpose—Acts of defendant not causing inconvenience to owner—Defendant grazing cattle and dumping spoil on land—Acts amounting to taking possession of land by defendant—Whether necessary to show that owner had been inconvenienced in order to establish that possession adverse—Limitation Act 1939, ss 4(3), 5(1), 10(1). **Treloar v Nute** [1977] **1** 230, CA.
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MARKETS AND FAIRS
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Common law duty to protect employee from foreseeable risk of danger to health—Need to take competent advice about precautions—Noise—Danger to hearing—Employer police authority—Employee ballistics expert required to carry out shooting tests in course of work—Tests carried out in small unsoundproofed room—Employers making no enquiries about possible risk to employee's hearing from noise of shooting—Employer leaving it to employee to make enquiries—Employee's hearing seriously injured by noise of shooting—Whether employer in breach of duty to take reasonable care to protect employee from foreseeable risk of injury to hearing. **McCafferty v Metropolitan Police District Receiver** [1977] **2** 756, CA.
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Percentage fee calculated by reference to clear income at patient's disposal—Clear income—Calculation—Elderly patient—Court of Protection exercising its authority on three occasions only—Constant attendance allowance, age, allowance and sums received gross before deduction by tax included in clear income—No deduction made for court fees and solicitors' fees—Whether those items should be included in 'clear income'—Whether fee ought to be remitted—Court of Protection Rules 1960 (SI 1960 No 1146), rr 87, 94. **Re N (deceased)** [1977] **2** 687, CA.

MENTAL HEALTH (cont)
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Discharge of receiver—Discharge where judge considers it expedient—Expedient—Whether meaning expedient for patient or expedient in interests of all persons connected with receivership—Mental Health Act 1959, s 105(2). **Re N (deceased)** [1977] **2** 687, CA.

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Consent of parent—Application by parent having custody or care and control of child—Consent in writing of other parent required—Procedure where application not supported by consent of other parent—RSC Ord 63, r 10. **Practice Direction** [1977] **3** 451, QBD.
Divorce of parents—
Leave of court to change surname in absence of parent's consent—Welfare of minor as first and paramount consideration—Mother leaving father before birth of child and going to live with co—respondent—Mother having joint custody and care and control of child—Mother proposing to marry co—respondent and bring up child as child of family—Whether in interests of child that mother should be given leave to change surname of child to that of co—respondent. **D v B (otherwise D) (child :surname)** [1977] **3** 751, FamD.
Unborn child—
Consent of both parents—Husband and wife separating before birth—Wife adopting new surname by deed poll—Deed poll failing to state as required by regulations that notice given to husband and husband's consent obtained—Child registered with wife's adopted surname—Whether consent of husband or order of court required before child could be given wife's adopted surname rather than husband's. **D v B (otherwise D)(child :surname)** [1977] **3** 751, FamD.
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Enforcement of order—Order of magistrates' court—Whether power to enforce order by imposing monetary penalty or by committal to prison—Magistrates' Courts Act 1952, s 54(3)—Guardianship of Minors Act 1971, s 9(1). **Re K (a minor)(access order :breach)** [1977] **2** 737, FamD.
Stay of order—Appeal—Whether power to stay access order pending appeal. **Re K (a minor) (access order :breach)** [1977] **2** 737, FamD.
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Damages for loss of services as mother. *See* **Fatal accident** (Damages—Death of mother—Loss of services as mother).
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Funds in court—
Funds exceeding £7,500—
Holding by Public Trustee out of court—Direction by court—Practice. *See* **Practice** (Funds in court—Funds exceeding £7,500—Holding by Public Trustee out of court—Direction by court—Minors' funds).
Gross indecency with minor. *See* **Criminal law** (Gross indecency—Child).
Income tax relief. *See* **Income tax** (Child relief).

MINOR (cont)
Maintenance—
Payment to minor—
Receipt of custodial parent—Avoidance of allegation by minor when of age that maintenance never received—Registration of order in magistrates' court—Order to provide that receipt of custodial parent valid receipt for payment to minor—Right of custodial parent to apply for enforcement of order—Orders for payment direct to minor not to be made where of no benefit to parties or no tax advantage—Nominal orders, orders pending suit and interim orders not to be registered except in special circumstances. **Practice Direction** [1977] **3** 942, FamD.
Name—
Change of surname. *See* Change of surname, *ante*.
Ward of court. *See* **Ward of court**

MISREPRESENTATION
Estoppel. *See* **Estoppel** (Representation).

MISTAKE
Firearm—
Possession without certificate—
Mistaken belief as to nature of firearm. *See* **Firearms** (Possession—Possession of firearms without a certificate—Mistaken belief as to nature of firearm).
Maintenance order—
Order registered in magistrates' court—
Variation of order—Power to fix maintenance de novo—Mistake by original court. *See* **Husband and wife** (Variation or discharge of maintenance order—Variation of order registered in magistrates' court—Power to fix maintenance de novo—Mistake by orignal court).
Mistake of fact—
Money paid under mistake of fact—
Estoppel by representation—Prejudice suffered by person misled making it inequitable to require him to make restitution—Money paid to party misled under mistake of fact. *See* **Estoppel** (Representation—Prejudice suffered by party misled by misrepresentation—Prejudice making it inequitable to require party misled to make restitution—Money paid to party misled under mistake of fact).

MOBILE HOME
Application to county court—
Statutory provision conferring jurisdiction on a particular court—
Proceedings commenced in wrong court—Transfer of proceedings to correct court. *See* **County court** (Transfer of action—Transfer to another county court—Proceedings commenced in wrong court—Statutory provision conferring jurisdiction on a particular court).

MONEY
Currency—
Appraisement and sale of ship by Admiralty marshal. *See* **Admiralty** (Appraisement and sale—Currency of sale).
Foreign currency—
Award of arbitrator. *See* **Arbitration** (Award—Foreign currency).
Judgment—*See* **Judgment** (Foreign currency).
Payment into court—
Practice. *See* **Practice** (Payment into court).

MONEYLENDER
Limitation of action—
Proceedings for recovery of money lent by moneylender—
Proceedings for enforcement of security taken in respect of loan made by moneylender. Unenforceable loan contract—Loan and charge securing loan unenforceable—Subrogation of moneylender to rights of paid-off creditor—Action by moneylender in exercise of subrogated rights to recover amount of loan—Whether 'proceedings...for the recovery...of... money lent' by moneylender—Whether 'proceedings...for the enforcement of any...security taken...in respect of any loan made' by moneylender—Whether proceedings subject to 12 month limitation period—Moneylenders Act 1927, s 13(1). **Orakpo v Manson Investments Ltd** [1977] **3** 1, HL.
Unenforceable loan contract—Loan and charge securing loan unenforceable—Subrogation of moneylender to rights of paid off creditor—Action by moneylender in exercise of subrogated rights to recover amount of loan—Whether 'proceedings...for the recovery...of... money lent' by moneylender—Whether proceedings subject to one year limitation period—Moneylenders Act 1927, s 13(1). **Orakpo v Manson Investments Ltd** [1977] **1** 666, CA.
Memorandum—
Sufficiency—
Composite documents—Discrepancies between terms of conjoined documents—Loan secured by legal charge on property—Memorandum incorporating legal charge—Discrepancies between terms of memorandum and terms of legal charge—Whether composite memorandum contained all the terms of the contract—Whether necessity for reference to court to resolve discrepancies rendering memorandum insufficient—Moneylenders Act 1927, s 6(1)(2). **Holiday Credit Ltd v Erol** [1977] **2** 696, HL.

MONEYLENDER (cont)
Security—
Enforcement—
Security given by the borrower or his agent—Subrogated rights—Unenforceable loan contract—Sum advanced used to pay off existing charge on property—Term of contract that loan to be secured by charge on property in respect of which loan made—Charge executed but unenforceable—Lender entitled by subrogation to security represented by existing charge on property—Whether subrogated right a 'security given by the borrower'—Whether subrogated right enforceable—Moneylenders Act 1927, s 6(1). **Orakpo v Manson Investments Ltd** [1977] **3** 1, HL.

MONUMENT
Memorial tablet within church. *See* **Ecclesiastical law** (Monument—Memorial tablet within church).

MORTGAGE
Matrimonial home—
Mortgage repayments. *See* **Husband and wife** (Matrimonial home—Mortgage repayments).
Subrogation—
Generally. *See* **Subrogation**

MOTHER
Death—
Fatal accident—
Damages for loss of services as mother. *See* **Fatal accident** (Damages—Death of mother—Loss of services as mother).

MOTION
Adjournment. *See* **Practice** (Motion—Adjournment).

MOTOR INSURANCE
Knock-for-knock agreement—
Claim by insured against another car owner—
Effect of knock-for-knock agreement—Assignment of right of action—Insured recovering part of damage from insurers—Claim against other car owner for full amount of damage—Whether knock-for-knock agreement between insured's insurers and other party's insurers effecting equitable assignment of insured's right of action for amount recovered from own insurers—Whether insured precluded from bringing action for full amount of damages. **Hobbs v Marlowe** [1977] **2** 241, HL.

MOTOR VEHICLE
Insurance. *See* **Motor insurance**.

MULTIPLE OCCUPATION HOUSES
See **Housing** (House in multiple occupation).

MURAL TABLET
Memorial tablet within church—
Ecclesiastical law. *See* **Ecclesiastical law** (Monument—Memorial tablet within church).

NAME
Change—
Minor's surname. *See* **Minor** (Change of surname).
Election—
Local government election—
Nomination paper—Names of candidates. *See* **Elections** (Local government—Nomination papers—Names of candidates).

NATIONAL ASSISTANCE
Supplementary benefit. *See* **Supplementary benefit**.

NATIONAL INSURANCE
Disablement benefit—
Industrial injury. *See* **Industrial injury** (Disablement benefit).
Rates of benefit—
Review by Secretary of State—
Duty to review in each tax year rates of certain benefits to determine whether they have retained their value in relation to the general level of earnings or prices—Period to which Secretary of State must have regard for purposes of review—Social Security Act 1975, s 125(1). **Metzger v Department of Health and Social Security** [1977] **3** 444, ChD.
Supplementary benefit. *See* **Supplementary benefit**.

NATIONAL INSURANCE COMMISSIONER
Certiorari—
Jurisdiction. *See* **Certiorari** (Jurisdiction—National insurance commissioners).

NATIONAL SECURITY
Deportation of alien—
Natural justice—
Validity of order. *See* **Alien** (Deportation—Order—Validity—Natural justice—Deportation in the interest of national security).

NATURAL JUSTICE
Deportation of alien—
Validity of order. *See* **Alien** (Deportation—Order—Validity—Natural justice).

NATURAL JUSTICE (cont)
Legal representation—
Police—
Disciplinary proceedings. *See* **Police** (Discipline—Procedure at disciplinary hearing—Legal representation).
Rent assessment committee—
Duty to hear parties—
Objection by tenant to rent officer's determination of fair rent—Reference to committee—Tenant purporting to withdraw objection before hearing—Tenant believing objection withdrawn and not attending hearing—Committee at hearing considering increase in rent—After hearing and before decision committee realising reason for tenant's absence—Whether committee bound to give tenant opportunity of being heard before deciding whether to increase rent. **Hanson v Church Comrs for England** [1977] **3** 404, CA.
Trade union—
Dismissal of union official from office—
Applicability of rules of natural justice—Executive committee of union—Union rule that official to hold office so long as he gave satisfaction to committee—Dismissal on ground that performance of official unsatisfactory—Official not informed before hearing of charges being made against him—Request at hearing for charges and evidence to be put into writing refused—Refusal to adjourn hearing to allow official to prepare defence—Whether executive committee bound to comply with rules of natural justice—Whether decision of committee made in breach of natural justice void ab initio. **Stevenson v United Road Transport Union** [1977] **2** 941, CA.

NEGLECT OF DUTY
Manslaughter—
Assumption of duty of care for infirm person—
Breach of duty amounting to recklessness. *See* **Criminal law** (Manslaughter—Recklessness or gross negligence—Assumption of duty of care for infirm person—Breach of duty amounting to recklessness).

NEGLIGENCE
Barrister. *See* **Counsel** (Negligence).
Builder—
Owner of realty—
Duty to take care. *See* Duty to take care—Owner of realty—Builder, *post*.
Damages—
Measure of damages. *See* **Damages** (Measure of damages—Negligence).
Duty to take care—
Employer—
Duty to protect employee from foreseeable risk of danger to health. *See* **Master and servant** (Duty of master—Safety of employees—Common law duty to protect employee from foreseeable risk of danger to health).
Information or advice. *See* Information or advice, *post*.
Owner of realty—
Builder—Duty to subsequent purchaser in respect of hidden defects—Negligence in construction of house—Inadequate foundations—Defect causing damage to house after purchase by subsequent purchaser—Builder in breach of duty of care to subsequent purchaser—Immaterial that builder owner of house when defect created. **Anns v London Borough of Merton** [1977] **2** 492, HL.
Statutory powers—
Act performed in exercise of powers—Local authority—Building operations—Legislation giving authority control over building operations—Byelaws requiring approval of foundations of building by authority's inspector before being covered up—Inspector carrying out inspection but failing to take reasonable care to ensure that foundations adequate—Building constructed on inadequate foundations—Subsequent damage to structure of building resulting from inadequate foundations—Whether local authority in breach of duty of care to owner or occupier of building at time damage occurs. **Anns v London Borough of Merton** [1977] **2** 492, HL.
Non-exercise of power—Circumstances in which non-exercise of power capable of amounting to a breach of duty of care—Local authority—Building operations—Legislation giving authority control over building operations—Byelaws requiring approval of foundations of building by authority's inspector before being covered up—Authority not carrying out inspection of foundations—Building constructed on inadequate foundations—Subsequent damage to structure of buildings resulting from inadequate foundations—Local authority not under statutory duty to inspect foundations—Whether failure to carry out inspection capable of amounting to breach of duty of care. **Anns v London Borough of Merton** [1977] **2** 492, HL.
Gross negligence—
Manslaughter. *See* **Criminal law** (Manslaughter—Recklessness or gross negligence).
Information or advice—
Assumption of duty of care—
Duty to give information about change of circumstances affecting statement previously made—Landlord and tenant—Covenant by tenant to insure premises against fire—Landlord informing tenant premises insured under block policy—Landlord arranging to insure premises under policy for two years thereafter and charging tenant with appropriate proportion of premium—Block policy cancelled without notice to tenant—Premises uninsured when damaged by fire—Liability of landlord to tenant—Whether landlord under duty to inform tenant block policy not being renewed. **Argy Trading Development Co Ltd v Lapid Developments Ltd** [1977] **3** 785, QBD.

NEGLIGENCE (cont)
Information or advice (cont)—
Counsel—
Immunity—Preliminary advice on matters connected with pending or contemplated litigation. *See* **Counsel** (Negligence—Immunity—Preliminary advice on matters connected with pending or contemplated litigation).
Limitation of action—
Accrual of cause of action. *See* **Limitation of action** (When time begins to run—Actions of tort—Accrual of cause of action—Negligence).
Measure of damages. *See* **Damages** (Measure of damages—Negligence).

NEW TENANCY
Business premises. *See* **Landlord and tenant** (Business premises).

NEW TRIAL
Criminal appeal—
Order for new trial—
Jamaica. *See* **Jamaica** (Criminal law—Appeal—Allowing appeal—New trial).

NEWLY ERECTED BUILDING
Rates. *See* **Rates** (Unoccupied property—Newly erected building).

NEWSPAPER
Libel proceedings—
Innuendo—
Particulars—Identity of readers who have knowledge of special facts which render published words defamatory. *See* **Libel and slander** (Innuendo—Particulars—Duty of plaintiff to plead facts on which he relies for his claim—Identity of persons to whom publication made and who have knowledge of special facts which render published words defamatory—Publication by newspaper).

NOISE
Safety of employee—
Duty of employer to protect employee from foreseeable risk of danger to health—
Need to take competent advice about precautions—Danger to hearing from noise. *See* **Master and servant** (Duty of master—Safety of employees—Common law duty to protect employee from foreseeable risk of danger to health—Need to take competent advice about precautions—Noise).

NOMINAL PLAINTIFF
Security for costs. *See* **Costs** (Security for costs—Nominal plaintiff).

NOMINATION
Elections—
Local government. *See* **Elections** (Local government—Nomination papers).

NON-DISCLOSURE
Material fact—
Maintenance agreement. *See* **Husband and wife** (Maintenance—Agreement—Non-disclosure of material fact).

NOTICE
Arbitration—
Commencement—
Notice requiring appointment of arbitrator. *See* **Arbitration** (Commencement—Notice requiring appointment of arbitrator).
Bankruptcy proceedings—
Substitution of petitioning creditor—
Notice to debtor. *See* **Bankruptcy** (Petition—Substitution of petitioning creditor—Notice to debtor).
Completion notice—
Newly erected building—
Rates. **Rates** (Unoccupied property—Newly erected building—Completion—Completion notice).
Gaming—
Licensing of premises—
Notice advertising making of application for licence. *See* **Gaming** (Licensing of premises—Application for licence—Notice advertising making of application).
Immigration appeal—
Notice of appealable decision. *See* **Immigration** (Appeal—Notice of appealable decision).
Readiness—
Arrived ship under port charterparty—
Commencement of lay days. *See* **Shipping** (Commencement of lay days—Arrived ship under port charterparty—Notice of readiness).
Redundancy payment—
Notice of claim to employer. *See* **Redundancy** (Claim for redundancy payment—Notice of claim to employer).
Tax advantage—
Counteracting. *See* **Income tax** (Tax advantage—Counteracting—Notice).
Time limit—
Resignation—
Company director. *See* **Company** (Director—Resignation—Time limit—Notice).

NOTICE OF APPEAL
Matrimonial order—
Appeal to High Court against order of magistrates—
Form of notice of appeal. *See* **Husband and wife** (Matrimonial order—Appeal to High Court against order of magistrates—Procedure—Form of notice of appeal).

NUISANCE
Injunction. *See* **Injunction** (Nuisance).

OATH
Witness in criminal proceedings. *See* **Criminal evidence** (Child—Oath).

OBJECTION
Rent—
Determination of fair rent. *See* **Rent restriction** (Rent—Determination of fair rent—Objection).

OBTAINING CREDIT
Undischarged bankrupt. *See* **Bankruptcy** (Offences—Undischarged bankrupt obtaining credit).

OBTAINING PROPERTY BY DECEPTION
See **Criminal law** (Obtaining property by deception).

OCCUPATION
Rateable occupation. *See* **Rates** (Rateable occupation).
Single room—
Tenancy or licence—
Protected tenancy. *See* **Rent restriction** (Protected tenancy—Tenancy or licence—Occupant of single room).

OFFICE
Emoluments from office—
Income tax. *See* **Income tax** (Emoluments from office or employment).
Loss of office—
Compensation—
Company Director. *See* **Company** (Director—Compensation for loss of office).
Premises—
Rates—
Surcharge on unused commercial building. *See* **Rates** (Surcharge on unused commercial building).

OFFICER
Trade union—
Dismissal from office—
Natural justice. *See* **Natural justice** (Trade union—Dismissal of official from office).

OMBUDSMAN
Local government—
Maladministration—
Complaint to local ombudsman. *See* **Local government** (Maladministration—Complaint to local commissioner).

ONE—THIRD RULE
Maintenance—
Husband and wife. *See* **Husband and wife** (Maintenance—Amount—One—third rule).

OPEN COURT
Divorce proceedings—
Hearing—
Chambers or open court. *See* **Divorce** (Practice—Hearing—Chambers or open court).
Hearing of bankruptcy petition—
Exclusion of public. *See* **Bankruptcy** (Petition—Hearing—Exclusion of public).

OPPRESSION
Subpoena ad testificandum—
Discretion to refuse issue. *See* **Practice** (Subpoena ad testificandum—Issue—Discretion to refuse issue—Oppression).

ORAL DECISION
Industrial tribunal—
Res judicata. *See* **Industrial tribunal** (Procedure—Decision—Res judicata—Oral decision).

ORDER
Adoption. *See* **Adoption** (Order).
Affiliation order. *See* **Affiliation** (Affiliation order).
Community service order. *See* **Sentence** (Community service order).
Conditional order—
Dismissal of action for want of prosecution. *See* **Practice** (Dismissal of action for want of prosecution—Conditional order).
Consent order made without personal attendance. *See* **Practice** (Order—Consent order made without personal attendance).
Costs—
Generally. *See* **Costs** (Order for costs).
Deportation—
Alien. *See* **Alien** (Deportation—Order).
Injunction. *See* **Injunction**.

ORDER (cont)
Interim payments order—
Landlord and tenant—
Action for forfeiture of lease. *See* **Landlord and tenant** (Forfeiture of lease—Interim payments order).
Legal aid—
Magistrates' court—
Order for purpose of proceedings before magistrates' court. *See* **Legal aid** (Criminal cases—Order for purpose of proceedings before magistrates' court).
Magistrates' court—
Enforcement—
Access to minor. *See* **Minor** (Custody—Access—Enforcement of order—Magistrates' court).
Specific performance—
Generally. *See* **Specific performance**.
Stay of order—
Access to minor—
Stay of access order pending appeal. *See* **Minor** (Custody—Access—Stay of order—Appeal).

ORIGINATING SUMMONS
Indorsement—
Wardship proceedings—
Removal of ward from jurisdiction without leave—Indorsement on originating summons applying to make child a ward. *See* **Ward of court** (Removal of ward from jurisdiction—Removal without leave of court—Indorsement on originating summons applying to make child a ward).

OVERCHARGING
Hackney carriage—
Fare. *See* **Road traffic** (Hackney carriage—Fare—Overcharging).

OVERCROWDING
Housing. *See* **Housing** (Overcrowding).

OVERTAKING
Vehicle—
Zebra crossing. *See* **Road traffic** (Pedestrian crossing—Zebra crossing—Overtaking).

PARENT
Adoption of child—
Application by parent and step—parent. *See* **Adoption** (Application—Married couple—Parent and step—parent of child).
Affiliation proceedings. *See* **Affiliation**.
Custody of child—
Custody as between parents. *See* **Minor** (Custody—Custody as between parents).
Dispensing with consent to adoption. *See* **Adoption** (Dispensing with consent of parent or guardian).
Income tax—
Child relief. *See* **Income tax** (Child relief).
Maintenance order in favour of child—
Payment to child—
Receipt of custodial parent. *See* **Minor** (Maintenance—Payment to minor—Receipt of custodial parent).
Surname of child—
Consent to change of surname—
Leave of court to change of surname in absence of consent—Divorce of parents. *See* **Minor** (Change of surname—Divorce of parents—Leave of court to change surname in absence of parent's consent).
Ward of court—
Care and control—
Factors to be considered—Welfare of child—Wishes of unimpeachable parent. *See* **Ward of court** (Care and control—Factors to be considered—Welfare of minor first and paramount consideration—Wishes of unimpeachable parent).

PARKING
Place. *See* **Road traffic** (Parking place).
Waiting and loading restrictions. *See* **Road traffic** (Waiting and loading restrictions).

PART PAYMENT
Revival of cause of action. *See* **Limitation of action** (Part payment).

PART PERFORMANCE
Contract. *See* **Contract** (Part performance).

PARTICULARITY
Answer to divorce petition. *See* **Divorce** (Practice—Answer—Particularity).

PARTICULARS
Libel proceedings—
Innuendo. *See* **Libel and slander** (Innuendo—Particulars).

PARTIES
Civil proceedings. *See* **Practice** (Parties).

PARTIES (cont)
Hearing—
Natural justice—
Duty to hear parties—Rent Assessment committee. *See* **Natural justice** (Rent assessment committee—Duty to hear parties).
Res judicata—
Privy of party to proceedings. *See* **Estoppel** (Res judicata—Privy of party to proceedings).
Specific performance. *See* **Specific performance** (Parties).

PARTNERSHIP
Arbitration—
Clause in partnership agreement. *See* **Arbitration** (Arbitration clause—Partnership agreement).

PASSENGER
Transport—
Value added tax—
Zero-rating. *See* **Value added tax** (Zero-rating—Transport of passengers).

PATENT
Appeal tribunal—
Practice—
Appointment of scientific adviser—Notice that appointment of scientific adviser appropriate—Patents Appeal Tribunal Rules 1972 (SI 1972 No 1940) r 15. **Practice Direction** [1977] **2** 431, PAT.
Practice—
Consent order made without personal attendance—
Minutes of order signed by counsel for all parties—Specimen form of order for directions. **Practice Direction** [1977] **2** 173, ChD.
Royalty or other sum paid in respect of the user of a patent—
Capital gains tax—
Exemption—Disposal of right to annual payments due under personal covenant not secured on property. *See* **Capital gains tax** (Exemptions and reliefs—Disposal of right to annual payments due under personal covenant not secured on property—Annual payment—Royalty or other sum paid in respect of the user of a patent).
Scientific adviser—
Appointment in proceedings before appeal tribunal—
Practice. *See* Appeal tribunal—Practice—Appointment of scientific adviser, *ante*.

PATIENT
Hospital—
Driver—
Breath test. *See* **Road traffic** (Breath test—Hospital patient).
Property—
Mental patient. *See* **Mental health** (Patient's property).

PAYMENT
Income tax—
Annual payment. *See* **Income tax** (Annual payment).
Limitation of action—
Revival of cause of action—
Part payment. *See* **Limitation of action** (Part payment).

PAYMENT INTO COURT
Practice. *See* **Practice** (Payment into court).
Stay of proceedings. *See* **Practice** (Payment into court—Stay of proceedings).

PAYMENT OUT OF COURT
Generally. *See* **Practice** (Payment out of court).

PECUNIARY LOSS
Fatal accident—
Damages. *See* **Fatal accident** (Damages—Pecuniary loss).

PEDESTRIAN CROSSING
See **Road traffic** (Pedestrian crossing).

PENALTY
Witness exposed to risk of penalty—
Privilege against self—incrimination—
Answer to question tending to expose witness or spouse to penalties provided for by law of United Kingdom. *See* **Evidence** (Privilege—Incrimination of witness or spouse—Answer to question tending to expose witness or spouse to penalties provided for by law of United Kingdom).
Belief that evidence would expose witness to proceedings for offence or recovery of penalty. *See* **Evidence** (Privilege—Incrimination of witness or spouse—Belief that evidence would expose witness to proceedings for offence or recovery penalty).

PENDING ACTION
Vacation of entry in land charges register. *See* **Land charge** (Vacation of entry in register—Pending action).

PER INCURIAM
Judicial decision—
Court of Appeal. *See* **Precedent** (Court of Appeal—Decision per incuriam).

PERFECTING
Incomplete gift. *See* **Gift** (Incomplete gift—Perfecting gift).

PERFORMANCE BOND
Documentary credit—
Bond given by seller to buyer as security for fulfilment by seller of obligations under contract of sale. *See* **Bank** (Documentary credit—Confirmed credit—Performance bond given by seller to buyer as security for fulfilment by seller of obligations under

PERIODICAL PAYMENTS
Divorce. *See* **Divorce** (Financial provision—Periodical payments).

PERMISSION
Planning permission. *See* **Town and country planning** (Permission for development).

PERSONAL ATTENDANCE
Chambers proceedings—
Classes of business which may be transacted without personal attendance—
Communications by post or telephone. *See* **Practice** (Chambers proceedings—Communications by post or telephone—Classes of business which may be transacted without personal attendance).

PERSONAL INJURIES
Action—
Limitation of time—
Court's power to override time limit. *See* **Limitation of action** (Court's power to override time limit in personal injury or fatal accident claim).
Compensation—
Criminal injuries. *See* **Compensation** (Criminal injuries).
Damages—
Generally. *See* **Damages** (Personal injury).
Interest. *See* **Interest** (Damages—Personal injury).
Medical examination of plaintiff—
Stay of proceedings. *See* **Practice** (Stay of proceedings—Medical examination of plaintiff at defendant's request).

PERSONAL REPRESENTATIVE
Contract—
Power to contract with himself as individual—
Employment—Employee appointed personal representative of employer—Employee continuing in employment on death of employer—Employee taken into employment of himself as personal representative. *See* **Employment** (Continuity—Death of employer—Employee taken into employment of deceased's personal representative—Power as personal representative to contract with himself as individual).

PETITION
Appeal—
House of Lords—
Procedure where petition for leave appears incompetent. *See* **House of Lords** (Leave to appeal—Procedure where petition for leave appears incompetent).
Bankruptcy. *See* **Bankruptcy** (Petition).
Company—
Compulsory winding—up—
Contributory's petition. *See* **Company** (Compulsory winding—up—Petition by contributory).
Creditor's petition. *See* **Company** (Compulsory winding-up—Petition by creditor).

PLACE OF ABODE
Possession of articles for stealing—
Possession when not at place of abode. *See* **Criminal law** (Going equipped for stealing—Possession of articles when not at place of abode).

PLAINTIFF
Costs—
Security for costs—
Company. *See* **Costs** (Security for costs—Company).
Nominal plaintiff. *See* **Costs** (Security for costs—Nominal plaintiff).
Medical examination—
Personal injuries claim—
Stay of proceedings. *See* **Practice** (Stay of proceedings—Medical examination of plaintiff at defendant's request).

PLANNING PERMISSION
See **Town and country planning** (Permission for development).

PLANT
Capital allowances. *See* **Income tax** (Capital allowances—Plant).

PLEADING
Answer—
Divorce petition. *See* **Divorce** (Practice—Answer).
Facts on which party relies for claim or defence—
Duty to plead—
Libel proceedings—Innuendo—Particulars. *See* **Libel and slander** (Innuendo—Particulars—Duty of plaintiff to plead facts on which he relies for his claim).

PLEADING (cont)
Foreign currency—
Pleading claims in foreign currency. *See* **Judgment** (Payment of sum of money—Foreign currency—Pleading claims in foreign currency).
Particulars—
Libel—
Innuendo. *See* **Libel and slander** (Innuendo—Particulars).
Striking out—
Estoppel per rem judicatam—
Issue determined in earlier action against different defendant—Failure of plaintiff to add defendant in second action as defendant in first action—No privity of interest between defendants in first and second action—Issue raised in second action determined against plaintiff in first action—Whether defendant in second action should have been added as defendant in first action by plaintiff—Whether pleadings in second action should be struck out—RSC O+d 15, r 6(2)(*b*)(*ii*). **Gleeson v J Wippell & Co Ltd** [1977] **3** 54, ChD.

POLICE
Admissions and confessions to police—
Admissibility in criminal proceedings. *See* **Criminal evidence** (Admissions and confessions—Answers and statements to police).
Discipline—
Procedure at disciplinary hearing—
Legal representation—Case against accused to be presented by member of police force—Accused given right to conduct defence in person or by member of police force—Whether accused entitled to be legally represented—Whether chief constable having discretion to allow accused legal representation—Police (Discipline) Regulations 1965 (SI 1965 No 543), reg 8(3)(6). **Maynard v Osmond** [1977] **1** 64, QBD.
Regulations—
Ultra vires—Unreasonableness—Power of Secretary of State to make regulations for maintenance of discipline—Regulations denying legal representation at disciplinary hearing to junior officers—Legal representation allowed in proceedings against senior officers—Whether regulations denying legal representation ultra vires the Secretary of State—Police Act 1964, s 33(2)—Police (Discipline) Regulations 1965 (SI 1965 No 543), reg 8(6). **Maynard v Osmond** [1977] **1** 64, QBD.
Industrial injury—
Accident arising out of and in course of employment—
Recreational activities—Police officer expected to take part in activities but under no duty to do so—Constable injured in football match. *See* **Industrial injury** (Disablement benefit—Accident arising out of and in course of employment—Recreational activities—Employee expected to take part in activities but under no duty to do so—Police constable injured in football match).
Search warrant—
Extent of police powers under warrant—
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Ratepayer in same rating area as hereditament to which proposal relates—Hereditament underassessed—Ratepayer correctly assessed applying to have rateable value increased—Ratepayer unable to show that he had suffered financial detriment in consequence of underassessment—Whether ratepayer a 'person...who is aggrieved' by value ascribed to hereditament—General Rate Act 1967, s 69(1). **Arsenal Football Club Ltd v Ende** [1977] **1** 86, CA.
Ratepayer in same rating or precepting area as hereditament to which proposal relates—Hereditament underassessed—Ratepayer correctly assessed applying to have rateable value increased—Ratepayer unable to show that he had suffered financial detriment in consequence of under-assessment—Whether ratepayer a 'person ... who is aggrieved' by value ascribed to hereditament—General Rate Act 1967, s 69(1). **Arsenal Football Club Ltd v Smith (valuation officer)** [1977] **2** 267, HL.
Rateable occupation—
Building occupied in parts—
Treatment as single hereditament in occupation of person who receives the rents—Managing agent collecting rents from property, deducting outgoings including rates therefrom and paying balance to owners—Whether agent 'person who receives the rents'—Whether agent rateable occupier of property—General Rate Act 1967, s 24. **Arsenal Football Club Ltd v Smith (valuation officer)** [1977] **2** 267, HL.
Owner having legal possession—
Presumption of occupation—Rebuttal—Occupation by another—Exclusion of owner from hereditament by trespassers in occupation—Former employees of company in liquidation taking over possession and control of factory—Liquidator prevented from gaining access to factory—Liquidator coming to arrangement with employees for completion of unfinished work in factory and for assistance in sale of factory—Liquidator choosing not to enforce legal right to possession of factory in order to avoid confrontation—Whether liquidator in occupation of factory—General Rate Act 1967, s 16. **Re Briant Colour Printing Co Ltd (in liquidation)** [1977] **3** 968, CA.
Surcharge on unused commercial building—
Unoccupied property—
Liability for surcharge when no rates payable in respect of building—No resolution by rating authority that unoccupied property in area should be rated—Whether surcharge payable—Whether passing of resolution to rate unoccupied property a precondition of liability to surcharge—General Rate Act 1967, s 17A(1)(4) (added by the Local Government Act 1974, s 16). **Dixon v Harding** [1977] **2** 227, QBD.
Unoccupied property—
Newly erected building—
Completion—Completion notice—Completion notice relating to whole of building—Hereditament entered in valuation list consisting of part only of building—Unoccupied property rate charged in respect of part only—Lessees of tower block sub-letting top 14 floors to ratepayers—Ratepayers leaving those floors unoccupied for nine months—Valuation list in respect of tower block containing only the hereditament comprising the 14 floors—Whether necessary that hereditament described in completion notice and hereditament in valuation list should be identical—Whether ratepayers liable for unoccupied property rate—General Rate Act 1967, Sch 1, paras 1, 8(1). **London Borough of Camden v Post Office** [1977] **2** 795, CA.
Surcharge on unused commercial building. *See* Surcharge on unused commercial building—Unoccupied property, *ante*.
Unused commercial building—
Surcharge. *See* Surcharge on unused commercial building, *ante*.
Valuation list—
Proposal for alteration. *See* Proposal for alteration of current valuation list, *ante*.

READINESS
Notice of readiness—
Arrived ship under port charterparty—
Commencement of lay days. *See* **Shipping** (Commencement of lay days—Arrived ship under port charterparty—Notice of readiness).

REAL PROPERTY
Owner—
Negligence—
Duty to take care. *See* **Negligence** (Duty to take care—Owner of realty).
Tenants in common. *See* **Tenants in common** (Real property).

RECEIPT
Maintenance order—
Payment to child—
Receipt of custodial parent. *See* **Minor** (Maintenance—Payment to minor—Receipt of custodial parent).

RECEIVER
Mental patient's property. *See* **Mental health** (Patient's property—Receiver).

RECEIVING
Stolen property—
Handling stolen goods. *See* **Criminal law** (Handling stolen goods).

RECEPTACLE
Carriage of animals by sea, air, road or rail. *See* **Animal** (Carriage by sea, air, road or rail).

RECKLESSNESS
Criminal damage—
Recklessness whether property would be destroyed or damaged. *See* **Criminal law** (Damage to property—Recklessness whether property would be destroyed or damaged).
Manslaughter. *See* **Criminal law** (Manslaughter—Recklessness or gross negligence).

RECOGNITION
Foreign divorce— *See* **Divorce** (Foreign decree—Recognition by English court).

RECONSTRUCTION
Company—
Stamp duty—
Relief. *See* **Stamp duty** (Relief—Reconstruction or amalgamation of companies).

RECTIFICATION
Land register. *See* **Land registration** (Rectification of register).

REDUNDANCY
Calculation of amount of payment—
Employment for which normal working hours—
Amount of week's pay—Average hourly rate of remuneration—Remuneration varying with amount of work done—Incentive or productivity bonus built into wage structure—Bonus over and above basic hourly rate of remuneration paid for extra work done in normal working hours—Whether bonus part of average hourly rate of remuneration—Whether bonus payment for overtime—Distinction between employee whose remuneration varies with amount of work done and 'time' worker when calculating redundancy payment—Redundancy Payments Act 1965, Sch 1, para 5(1)—Contracts of Employment Act 1972, Sch 2, para 2(2)(3). **Ogden v Ardphalt Asphalt Ltd** [1977] **1** 267, EAT.
Claim for redundancy payment—
Notice of claim to employer—
Time at which notice to be given—Notice required to be given before the end of six months 'beginning with' date on which termination of employment takes effect—Notice of claim given by employee before dismissal took effect—Whether notice of claim could be given before commencement of prescribed period—Redundancy Payments Act 1965, s 21(*b*). **Watts v Rubery Owen Conveyancer Ltd** [1977] **2** 1, EAT.
Continuity of employment. *See* **Employment** (Continuity).
Exclusion from right to redundancy payment—
Avoidance of exclusion—
Employee given notice to terminate contract—Employer entitled to dismiss employee without notice by reason of his taking part in strike—Employer dismissing him for that reason—Dismissal by reason of redundancy of employee taking part in strike—Employee not dismissed for taking part in strike—Whether exclusion from right to redundancy payment avoided—Redundancy Payments Act 1965, ss 2(2), 10(1). **Simmons v Hoover Ltd** [1977] **1** 775, EAT.
Conduct entitling employer to terminate contract of employment without notice—
Participation in strike—Repudiation of contract of employment—Whether participation in strike constituting breach of contract of employment—Whether breach of so fundamental kind as to entitle employer to terminate contract without notice—Redundancy Payments Act 1965, s 2(2). **Simmons v Hoover Ltd** [1977] **1** 775, EAT.
Notice to employer of claim for redundancy payment. *See* Claim for redundancy payment—Notice of claim to employer, *ante*.
Period of continuous employment. *See* **Employment** (Continuity).

REFUSAL
Decree nisi of divorce—
Grave financial or other hardship. *See* **Divorce** (Separation—Five year separation—Decree nisi—Refusal).
Planning permission. *See* **Town and country planning** (Permission for development—Refusal).

REGISTER
Land. *See* **Land registration**

REGISTRAR
Divorce—
Custody—
Applications which may be made to registrar. *See* **Divorce** (Custody—Application—Applications which may be made to registrar).

REGISTRATION
Common land and rights of common. *See* **Commons** (Registration).
Common lodging-house. *See* **Public health** (Common lodging-house—Registration).

REGULATIONS
Ultra vires—
Police discipline. *See* **Police** (Discipline—Regulations—Ultra vires).

RELEASE
Power—
Implied release. *See* **Power** (Implied release).

RELIEF
Capital gains tax. *See* **Capital gains tax** (Exemptions and reliefs).
Stamp duty. *See* **Stamp duty** (Relief).

REMARRIAGE
Divorced person—
Application for financial provision. *See* **Divorce** (Financial provision—Application—Remarriage of party).

REMOVAL
Stay of proceedings—
Payment into court. *See* **Practice** (Payment into court—Stay of proceedings—Removal of stay).
Ward of court—
Removal of ward from jurisdiction. *See* **Ward of court** (Removal of ward from jurisdiction).

REMUNERATION
Equality of treatment for men and women. *See* **Employment** (Equality of treatment for men and women).

RENT
Certainty—
Rent review clause—
Retrospective operation. *See* **Landlord and tenant** (Rent—Review—Retrospective operation—Certainty of rent).
Fair rent—
Determination of. *See* **Rent restriction** (Rent—Determination of fair rent).
Income tax—
Expenditure to secure modification of rent obligation in lease—
Deduction in computing profits—Capital or revenue expenditure. *See* **Income tax** (Deduction in computing profits—Capital or revenue expenditure—Payment to secure improvement in asset—Payment to secure modification of rent obligation in lease).
Limitation. *See* **Landlord and tenant** (Rent—Limitation).
Protected tenancy—
Amount of rent attributable to attendance forming substantial part of whole rent—
Exclusion of tenancy from statatory protection. *See* **Rent restriction** (Protected tenancy—Excluded tenancies—Amount of rent attributable to attendance forming substantial part of whole rent).
Review. *See* **Landlord and tenant** (Rent—review).
Tenants in common—
Real property—
Occupation of whole property by one of tenants in common. *See* **Tenants in common** (Real property—Occupation of whole property by one of tenants in common—Rent).

RENT ASSESSMENT COMMITTEE
Natural justice. *See* **Natural justice** (Rent assessment committee).

RENT RESTRICTION
Business premises—
Limit on increase of rent. *See* **Landlord and tenant** (Rent—Limitation—Prohibition on increase in rate of rent—Business premises).
Possession—
House required by landlord for own use—
House required for occupation as a residence—Required—Landlord having another residence and the right to use daughter's flat—Whether 'required' meant reasonably required—Whether sufficient for landlord to prove that he bona fide wanted, and genuinely intended, to occupy house as his residence—Rent Act 1968, Sch 3, Part II, Case 10, para (*c*)(as amended by the Rent Act 1974, Sch 1). **Kennealy v Dunne** [1977] **2** 16, CA.

RENT RESTRICTION (cont)
Protected tenancy—
Excluded tenancies—
Amount of rent attributable to attendance forming substantial part of whole rent—Substantial part of whole rent—Bedsittingroom let to tenant at rent of £7 per week—Landlord arranging for housekeeper to clean room daily and change linen weekly—Whether amount of rent attributable to attendance forming 'substantial part of the whole rent'—Rent Act 1968, s 2(1)(3)(as amended by the Rent Act 1974, ss 1(4)(a), 16(2), Sch 4, Part I). **Marchant v Charters** [1977] **3** 918, CA.
Tenancy or licence—
Occupant of single room—Test whether occupant tenant or licensee—Intention—Nature and quality of occupation—Need to determine whether intention that occupier should have stake in room or whether he only had permission to occupy—Rent Act 1968, s 1. **Marchant v Charters** [1977] **3** 918, CA.
Rent—
Determination of fair rent—
Jurisdiction—Rent officer—Jurisdiction to determine whether there was a tenancy within the Rent Acts—Determination involving resolution of issue whether so-called licence was a device to avoid the Rent Acts—Exercise of jurisdiction—Issue as to licence determined on submissions of parties' solicitors—Oral evidence not given—Improper exercise of discretion—Determination of rent officer quashed—Rent Act 1968, s 105(1). **R v Rent Officer for Kensington and Chelsea, ex parte Noel** [1977] **1** 356, QBD.
Objection—Reference to rent assessment committee—Withdrawal of objection—Withdrawal after reference to committee and before hearing—Right of objector to withdraw objection after reference to committee—Rent Act 1968, Sch 6, para 6. **Hanson v Church Comrs for England** [1977] **3** 404, CA.
Rent tribunal. *See* **Rent tribunal**.

RENT TRIBUNAL
Preliminary issue as to jurisdiction—
County court's jurisdiction to determine issue—
Question as to application of statute to a contract of tenancy—Issue as to application of statute raised before tribunal—Application by tenant for determination of fair rent—Landlord contending statute had no application to contract of tenancy—Whether tribunal having jurisdiction to determine issue before considering tenant's application on its merits—Whether tribunal bound to refer issue for determination by county court—Rent Act 1968, s 105(1). **R v Croydon and South West London Rent Tribunal, ex parte Ryzewska** [1977] **1** 312, QBD.

REPAIR
Landlord and tenant—
Implied covenant. *See* **Landlord and tenant** (Implied covenant to repair).

REPRESENTATION
Estoppel by representation. *See* **Estoppel** (Representation).

RES JUDICATA
Estoppel—
Generally. *See* **Estoppel** (Res judicata).
Industrial tribunal—
Decision of tribunal. *See* **Industrial tribunal** (Procedure—Decision—Res judicata).

RESIDENCE
Capital gains tax—
Exemption. *See* **Capital gains tax** (Exemptions and reliefs—Private residence).
Tax avoidance—
Transfer of assets abroad—
Income payable to persons resident out of United Kingdom *See* **Income tax** (Avoidance—Transfer of assets abroad—Income payable to persons resident or domiciled out of United Kingdom).

RESIDUARY ESTATE
Estate duty—
Property passing on death—
Property comprised in a settlement—Testator's disposition of residuary estate declared void—Residuary estate held on statutory trusts. *See* **Estate duty** (Property passing on death—Property comprised in a settlement—Settlement—More than one instrument—Will and statute—Testator's disposition of residuary estate declared void—Residuary estate held on statutory trusts for testator's next—of—kin).

RESIGNATION
Company director. *See* **Company** (Director—Resignation).

RESOLUTION
Company. *See* **Company** (Resolution).

RESTITUTION
Defence—
Estoppel by representation—
Prejudice suffered by party misled by representation making it inequitable to require him to make restitution. *See* **Estoppel** (Representation—Prejudice suffered by party misled by representation—Prejudice making it inequitable to require party misled to make restitution).

RESTRAINT OF TRADE BY AGREEMENT
Supplier and buyer—
Solus agreement—
Enforcement of agreement—Injunction to restrain breach of tie—Unjust and inequitable to enforce tie—Supplier operating scheme causing hardship to buyer—Scheme subsidising other buyers tied to supplier—Defendant buyer excluded from scheme—Exclusion causing hardship—Injunction restraining defendant from breach of tie refused whilst scheme operating. **Shell UK Ltd v Lostock Garage Ltd** [1977] **1** 481, CA.
Reasonableness of tie—Time at which reasonableness to be tested—Tie reasonable when contract made—Afterwards tie found to be operating unreasonably—Garage owner 'tied' to Shell for supplies of petrol—Subsequently Shell operating scheme to subsidise neighbouring Shell garages—Garage owner excluded from scheme—Hardship thereby suffered—Whether tie unenforceable whilst scheme operating. **Shell UK Ltd v Lostock Garage Ltd** [1977] **1** 481, CA.

RESTRICTIVE TRADE PRACTICES
Registration of agreements—
Agreement relating to services—
Agreement—Trading nexus between parties—Leases—Lease of business premises—Covenants in underleases containing restrictions on use, transfer and assignment of premises—Covenant to pay service charge to lessor—Lessor providing services of maintenance and cleaning for lessees—No trading nexus between lessor and lessees—Whether leases 'agreements'—Whether registrable agreements—Fair Trading Act 1973, s 107(1)—Restrictive Trade Practices (Services) Order 1976 (SI 1976 No 98), art 3(1). **Ravenseft Properties Ltd v Director General of Fair Trading** [1977] **1** 47, QBD.
Restrictions accepted by parties to agreement—
Restrictions—
Covenants in lease—Covenants negative in form—Covenants not requiring lessee to give up any right or freedom which he had before going into possession of premises—Whether covenants containing 'restrictions'—Fair Trading Act 1973, s 107(1)—Restrictive Trade Practices (Services) Order 1976 (SI 1976 No 98), art 3(1). **Ravenseft Properties Ltd v Director General of Fair Trading** [1977] **1** 47, QBD.

RETIREMENT
Disposal of business—
Capital gains tax—
Relief. *See* **Capital gains tax** (Exemptions and reliefs—Disposal of business on retirement).

RETROSPECTIVE OPERATION
Statute—
Income tax. *See* **Income tax** (Statute—Retrospective operation).

RETURN DATE
Masters' summonses—
Chambers proceedings—
Queen's Bench Division. *See* **Practice** (Chambers proceedings—Masters' summonses—Queen's Bench Division—Return dates).

RETURNING OFFICER
Local government election—
Rejection of nomination papers—
Particulars not as required by law—Names of candidates. *See* **Elections** (Local government—Nomination papers—Names of candidates—Particulars not as required by law—Rejection of papers by returning officer).

REVENUE
Capital gains tax. *See* **Capital gains tax**
Estate duty—
Generally. *See* **Estate duty**.
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Generally. *See* **Customs and excise**
Value added tax. *See* **Value added tax**.

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Taxation of costs. *See* **Costs** (Taxation—Review of taxation).

REVOCATION
Settlement—
Power to revoke settlement—
Implied release of power. *See* **Power** (Implied release—Settlement—Power to revoke settlement—Release of power).

RHODESIA
Southern Rhodesia. *See* **Southern Rhodesia**.

RIGHT OF ACTION
Absolute assignment. *See* **Chose in action** (Assignment—Absolute assignment—Right of action).
Assignment—
Trustee in bankruptcy—
Power to assign right of action to bankrupt. *See* **Bankruptcy** (Trustee in bankruptcy—Power to assign right of action to bankrupt).

RIGHT OF COMMON
Generally. *See* **Commons** (Right of common).

ROAD
Carriage of animals by road. *See* **Animals** (Carriage by sea, air, road or rail).
Development—
Beginning of development before expiry of planning permission—
Specified operation comprised in the development—Operation in the course of constructing a road. *See* **Town and country planning** (Duration of planning permission—Beginning of development before expiry date—Specified operation comprised in the development—Operation in the course of constructing a road).

ROAD TRAFFIC
Accident—
Damage due to accident arising out of presence of vehicle on road—
Criminal proceedings—Compensation. *See* **Sentence** (Compensation—Damage due to accident arising out of presence of vehicle on road).
Breath test—
Requirement to take test—
Hospital patient—Person at a hospital as a patient—At a hospital—Person attending hospital for treatment as out-patient—Request for breath test made in hospital car park after day's treatment finished—Whether suspect 'at a hospital'—Road Traffic Act 1972, s 8(2). **Attorney-General's Reference (No 1 of 1976)** [1977] **3** 557, CA.
Hospital patient—Person at hospital as a patient—Patient—Person at hospital for purpose of being treated—Person attending hospital for treatment as out-patient—Request for breath test made at hospital after day's treatment completed—Whether person at hospital 'as a patient'—Road Traffic Act 1972, s 8(2). **Attorney-General's Reference (No 1 of 1976)** [1977] **3** 557, CA.
Driving with blood-alcohol proportion above prescribed limit—
Breath test. *See* Breath test, *ante*.
Hackney carriage—
Fare—
Agreement to pay more than legal fare—Booking fee—Telephone booking service—Booking fee charged for use of telephone service—Hirer told of fee during negotiations—Fee collected by taxi driver at same time as payment for journey—Payment for journey charged at rate prescribed by byelaws—Whether agreement to pay booking fee an 'agreement for payment of more than the fare allowed' by byelaws—Town Police Clauses Act 1847, s 55. **House v Reynolds** [1977] **1** 689, QBD.
Overcharging—Taking as a fare a greater sum than that authorised by byelaws—Booking fee—Telephone booking service—Booking fee charged for use of telephone service—Hirer told of fee during negotiations—Fee collected by taxi driver at same time as payment for journey—Payment for journey charged at rate prescribed by byelaws—Whether booking fee part of fare—Whether driver guilty of 'taking as a fare' a greater sum than that authorised by byelaws—Town Police Clauses Act 1847, s 58. **House v Reynolds** [1977] **1** 689, QBD.
Hospital patient—
Breath test. *See* Breath test—Hospital patient, *ante*.
Insurance—
Motor insurance—
Generally. *See* **Motor insurance**.
Loading of vehicles—
Restrictions on waiting and loading. *See* Waiting and loading restrictions, *post*.
Motor vehicle—
Damage due to accident arising out of presence of vehicle on road—
Criminal proceedings—Compensation. *See* **Sentence** (Compensation—Damage due to accident arising out of presence of vehicle on road).
Insurance. *See* **Motor insurance**.
Leaving vehicle in parking place otherwise than as authorised. *See* Parking place—Leaving vehicle otherwise than as authorised, *post*.
Overtaking—
Zebra crossing. *See* Pedestrian crossing—Zebra crossing—Overtaking, *post*.
Parking—
Waiting and loading restrictions. *See* Waiting and loading restrictions, *post*.
Parking place—
Leaving vehicle otherwise than as authorised—
Waiting in parking place for permitted purpose—Use of parking place suspended—Effect of suspension—Parking place provided with parking bays controlled by meters—Suspension of use of bay—Vehicle left in bay suspended from use—Vehicle being used to deliver goods at premises adjacent to bay—Whether leaving vehicle in bay unauthorised—Whether bay remained a 'parking place'—Whether permissible to 'wait' in bay although use of bay suspended—Road Traffic Regulation Act 1967, s 42(1)(*a*)—Parking Places and Restriction of Waiting and Loading (Luton)(No 1) Order 1964 (SI 1964 No 1753), arts 4, 23(1), 26(1)(*i*). **Wilson v Arnott** [1977] **2** 5, QBD.
Pedestrian crossing—
Zebra crossing—
Overtaking—Prohibition—Stationary vehicle stopped for purpose of complying with regulations—Regulations requiring vehicle driver to give precedence to pedestrian on carriageway within limits of controlled zebra crossing—Pedestrians for whom stationary vehicle stopped having left crossing at time of overtaking—Whether offence committed by overtaking stationary vehicle—Whether a stationary vehicle which had initially stopped to give precedence to pedestrians and had not yet moved off, a vehicle which 'is stopped for the purpose of complying with' regulation giving precedence to pedestrians—'Zebra' Pedestrian Crossings Regulations 1971 (SI 1971 No 1524), reg 10(*b*). **Connor v Paterson** [1977] **3** 516, QBD.

ROAD TRAFFIC (cont)
Suspension of use of parking place—
Leaving vehicle otherwise than as authorised—
Waiting in parking place for permitted purpose. *See* Parking place—Leaving vehicle otherwise than as authorised—Waiting in parking place for permitted purpose—Use of parking place suspended, *ante*.
Taking vehicle without authority—
Compensation order—
Damage due to accident arising out of presence of vehicle on road—Limitation of compensation to damage to property recovered. *See* **Sentence** (Compensation—Damage due to accident arising out of presence of vehicle on road—Limitation of compensation to damage to property recovered in case of offence under Theft Act 1968—Taking motor vehicle without consent).
Waiting and loading restrictions—
Leaving vehicle in parking place otherwise than as authorised. *See* Parking place—Leaving vehicle otherwise than as authorised—Waiting in parking place for permitted purpose, *ante*.
Waiting prohibited subject to exemption for loading and unloading—
Prohibition of waiting in restricted road—Distinction between vehicle delivering or collecting goods and driver using vehicle to deliver or collect goods himself—Need to show that use of vehicle reasonably necessary because goods cannot conveniently be carried by hand—Goods including cash in case of bank—Driver parking car in restricted road and collecting cash from bank—Driver placing cash in pocket and returning to car—Whether car parked 'for purpose of....collecting' cash—Whether car exempt from prohibition on waiting—Parking Places and Controlled Parking Zone (Manchester) Order 1971, arts 27, 29(1). **Richards v McKnight** [1977] **3** 625, QBD
Zebra crossing. *See* Pedestrian crossing—Zebra crossing, *ante*.

ROYALTY
Capital gains tax—
Exemption—
Disposal of right to annual payments due under personal covenant not secured on property—Royalty or other sum paid in respect of user of a patent. *See* **Capital gains tax** (Exemptions and reliefs—Disposal of right to annual payments due under personal covenant not secured on porperty—Annual payment—Royalty or other sum paid in respect of the user of a patent).

SAFE SYSTEM OF WORKING
Safe place of work—
Common law duty to protect employee from foreseeable risk of danger to health. *See* **Master and servant** (Duty of master—Safety of employees—Common law duty to protect employee from foreseeable risk of danger to health).

SAFETY
Employees. *See* **Master and servant** (Duty of master—Safety of employees).

SALE
Matrimonial home—
Divorce—
Sale under trust for sale. *See* **Husband and wife** (Matrimonial home—Sale under trust for sale—Divorce).
Ship—
Admiralty proceedings—
Appraisement and sale. *See* **Admiralty** (Appraisement and sale).
Trust for sale. *See* **Trust and trustee** (Trust for sale).
Trustee in bankruptcy—
Power to sell property of bankrupt. *See* **Bankruptcy** (Trustee in bankruptcy—Power to sell property of bankrupt).

SALE OF GOODS
Performance bond—
Documentary credit—
Bond given by seller to buyer as security for fulfilment by seller of obligations under contract of sale. *See* **Bank** (Documentary credit—Confirmed credit—Performance bond given by seller to buyer as security for fulfilment by seller of obligations under contract of sale).
Theft—
Identification of property stolen—
Charge of stealing part only of certain items—Proof that whole of each item stolen. *See* **Criminal law** (Theft—Property belonging to another—Identification of property stolen—Charge of stealing part only of certain items—Proof that whole of each item stolen—Sale of goods).

SALE OF LAND
Contract—
Breach—
Damages—Generally. *See* Damages for breach of contract, *post*.
Conveyance—
Fraudulent conveyance. *See* **Fraudulent conveyance**
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Damages in substitution for specific performance—
Generally. *See* **Specific performance** (Damages in substitution for specific performance).
Vendor obtaining order for specific performance against purchaser—Purchaser failing to carry out order for specific performance—Whether vendor entitled to damages in lieu of specific performance—Chancery Amendment Act 1858, s 2. **Biggin v Minton** [1977] **2** 647, ChD.

SALE OF LAND (cont)
Fraudulent conveyance. *See* **Fraudulent conveyance**.
Part performance of contract—
Generally. *See* **Contract** (Part performance).
Specific performance—
Damages in substitution for specific performance. *See* Damages for breach of contract—Damages in substitution for specific performance, *ante*.
Vendor's lien—
Subrogation—
Circumstances in which doctrine applicable. *See* **Subrogation** (Circumstances in which doctrine applicable).

SCALE OF COSTS
County court—
Discretion. *See* **County court** (Costs—Discretion—Scale of costs).
House of Lords—
Taxation of costs—
Increase to scale. *See* **House of Lords** (Costs—Taxation—Increase to scale of costs).

SCIENTIFIC ADVISER
Patents Appeal Tribunal—
Appointment of adviser—
Practice. *See* **Patent** (Appeal tribunal—Practice—Appointment of scientific adviser).

SEA
Carriage of animals by sea. *See* **Animals** (Carriage by sea, air, road or rail).

SEARCH WARRANT
Police. *See* **Police** (Search warrant).

SEASHORE
Boundary. *See* **Boundary** (Seashore).

SECRETARY OF STATE
Civil Aviation Authority—
Power to give guidance to authority. *See* **Air traffic** (Civil Aviation Authority—Powers of Secretary of State—Guidance to authority).
National insurance—
Rates of benefit—
Review. *See* **National insurance** (Rates of benefit—Review by Secretary of State).

SECURED CREDITOR
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SECURITY
Moneylender's contract. *See* **Moneylender** (Security).
National security—
Deportation of alien—
Natural justice—Validity of order. *See* **Alien** (Deportation—Order—Validity—Natural justice—Deportation in the interest of national security).

SECURITY FOR COSTS
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SELF—INCRIMINATION
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Privilege against self-incrimination. *See* **Evidence** (Privilege—Incrimination of witness or spouse).

SENTENCE
Appeal—
Conditional discharge—
Right of appeal against order—Defective order—Jurisdiction of court to entertain appeal on ground that order a nullity. **R v Wehner** [1977] **3** 553, CA.
Community service order—
Consecutive orders—
Orders in respect of person already subject to a community service order made by another court—Power to impose an order to run consecutively to first order—Maximum aggregate period of consecutive orders—Powers of Criminal Courts Act 1973, s 14(1). **R v Evans** [1977] **1** 228, CA.
Compensation—
Damage due to accident arising out of presence of vehicle on road—
Limitation of compensation to damage to property recovered in case of offence under Theft Act 1968—Taking motor vehicle without consent—Vehicle taken without consent in collision with other cars—Whether compensation order could be made in respect of damage caused to other cars—Whether compensation order limited to damage caused to vehicle taken without consent—Powers of Criminal Courts Act 1973, s 35(2)(3). **Quigley v Stokes** [1977] **2** 317, QBD.
Conditional discharge—
Appeal. *See* Appeal—Conditional, *ante*.
Explanation of effect of order—
Judge not explaining effect of order to defendant—Judge obtaining undertaking from defendant's counsel to explain effect of order to defendant—Explanation given before order made—Whether court prohibited from delegating function of explanation—Whether order valid—Powers of Criminal Courts Act 1973, s 7(3). **R v Wehner** [1977] **3** 553, CA.

SENTENCE (cont)
Consecutive sentences—
Community service order. *See* Community service order—Consecutive orders, *ante*.
Magistrates' court—
Consecutive terms of imprisonment. *See* Imprisonment—Magistrates' court—Consecutive terms, *post*.
Fine—
Sexual intercourse with girl under 16. *See* **Criminal law** (Sexual intercourse—Girl under 16—Sentence—Imprisonment or fine).
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Specified operation comprised in the development—Operation in the course of constructing a road—Road—Private drive—Construction of short section of drive giving access from public road to proposed house—Whether private access drive a 'road'—Town and Country Planning Act 1971, s 43(1)(2)(*d*). **Spackman v Secretary of State for the Environment** [1977] **1** 257, QBD.
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Test to be applied in determining whether employee constructively dismissed—
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Employment—Consultant available to advise employer when occasion arose—Whether consultant 'employed' at time when available to advise employer but not actually advising—Trade Union and Labour Relations Act 1974, Sch 1, para 9(1)(*f*). **Bromsgrove Casting & Maching Ltd v Martin** [1977] **3** 487, EAT.

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